

Senate bill 476 and House bill 2562; to the Committee on Pensions.

6630. Also, petition signed by the following persons from the municipality of Isabella, Occidental Negros, P. I., to wit: Fernando Quindo and 23 others, urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6631. Also, petition signed by Adolfo Ovario, Saplan, Capiz, and 20 others from Bulalacao, Mindoro, P. I., urging the speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6632. Also, petition signed by Candido Pumo, Segundo Conde, Sergio Pulga, Francisco Novida, Francisco Requis, Agaton Casilan, Bonifacio Salazar, and Benigno Novida, urging speedy passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6633. Also, petition signed by Proceso de Ocampo, San Felipe, Zambales; Vicente Tadeo, S. Narciso, Zambales; Ambrosio F. Bada, Cabangan, Zambales; Celestino Arbisio, S. Felipe, Zambales; Victor Fera, S. Felipe, Zambales; Leocadio Fontecha, S. Felipe, Zambales; L. Ruiz, S. Narciso, Zambales; Tomas Aquino, Iba, Zambales; Eugenio Domingo, S. Felipe, Zambales; Eusebio Cabristante, Olongapo, Zambales; Tomas Palacpac, S. Narciso, Zambales; Calmacio Mendares, S. Felipe, Zambales; Pablo Dayap, Botolan, Zambales; Pedro Falloran, Cabangan, Zambales; Flaviano Esposo, Iba, Zambales; Rufo Falloran, Cabangan, Zambales; Manuel Trapsi, S. Felipe, Zambales; and Paulo Omipig, S. Marcelino, Zambales, urging speedy passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6634. Also, petition signed by the following persons from the Municipality of Cuyo, Province of Palawan, P. I.: Ramon Magbana and 17 others, urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6635. By Mr. PATMAN: Petition signed by C. C. Carriker, of Hughes Springs, and 53 other citizens of Texas, urging the enactment of Senate bill 1468, to amend the food and drugs act, of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

6636. By Mr. SANDERS of New York: Petition signed by John H. Mattil and 58 other citizens of Rochester, N. Y., urging passage of legislation to increase the pension of veterans of the war with Spain; to the Committee on Pensions.

6637. Also, petition signed by Grant Fletcher and about 56 other citizens of Hemlock and Livonia, N. Y., urging passage of legislation to increase the pension of veterans of the war with Spain; to the Committee on Pensions.

6638. By Mr. SHORT of Missouri: Petition of citizens of Willow Springs, Mo., urging the passage of House bill 2562 and Senate bill 476, increasing the pension of Spanish War veterans; to the Committee on Pensions.

6639. By Mr. SHOTT of West Virginia: Petition of Clarence H. Bowling and 72 other citizens of Matoaka and Mercer County, W. Va., urging the passage of pension legislation for Spanish War veterans; to the Committee on Pensions.

6640. Also, memorial of District Superintendents' Association of West Virginia, urging legislation to aid the States in trade and industrial education and vocational rehabilitation; to the Committee on Education.

6641. Also, petition of 50 citizens of Mercer County, W. Va., urging the passage of pension legislation for Spanish War veterans; to the Committee on Pensions.

6642. By Mr. WOLVERTON of West Virginia: Petition of the District Superintendents' Association of West Virginia, under date of March 13, 1930, a resolution giving unanimous indorsement to the proposed legislation giving additional aid to the several States for trade and industrial education and vocational rehabilitation, and urging Congress to take favorable action on same; to the Committee on Education.

SENATE

WEDNESDAY, April 9, 1930

(Legislative day of Tuesday, April 8, 1930)

The Senate met at 12 o'clock meridian in open executive session, upon the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Borah	Connally	Frazier
Ashurst	Bratton	Copeland	George
Barkley	Brookhart	Conzens	Gillett
Bingham	Broussard	Dale	Glass
Black	Capper	Dill	Glenn
Blaine	Caraway	Fess	Goff

Goldsborough	Kean	Pittman
Gould	Kendrick	Ransdell
Greene	Keyes	Robinson, Ind.
Grundy	McCulloch	Robison, Ky.
Hale	McKellar	Schall
Harris	McNary	Sheppard
Harrison	Metcalf	Shipstead
Hatfield	Norbeck	Shortridge
Hayden	Norris	Simmons
Hebert	Nye	Smoot
Hedlin	Oddie	Steck
Howell	Overman	Steiner
Johnson	Phipps	Stephens
Jones	Pine	Sullivan

Thomas, Idaho
Thomas, Okla.
Townsend
Trammell
Tydings
Vandenberg
Wagner
Walcott
Walsh, Mass.
Walsh, Mont.
Watson
Wheeler

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Missouri [Mr. HAWES], the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

I also wish to announce that the junior Senator from Tennessee [Mr. BROCK] and the junior Senator from South Carolina [Mr. BLEASE] are absent because of illness in their families.

I further desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] are in London attending the naval conference.

Mr. NORBECK. I wish to announce that my colleague [Mr. McMASTER] is unavoidably absent from the city. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

CHANGE IN DATE OF INAUGURATION

Mr. NORRIS. Mr. President, as in legislative session, I wish to make a unanimous-consent request. I ask unanimous consent to submit and have read a Senate resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 245), as follows:

Whereas on the 7th day of June, 1929, the Senate passed S. J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President, Vice President, and Members of Congress and fixing the time of the assembling of Congress; and

Whereas on the 8th day of June, 1929, by an official message from the Senate, the House of Representatives was duly notified thereof and said resolution so passed was properly certified and delivered to the House of Representatives by the duly authorized agent of the Senate; and

Whereas the Speaker of the House of Representatives has retained possession of said joint resolution, has not referred the same to any committee of the House of Representatives, and no action whatever has been taken thereon by the House of Representatives or by the Speaker, and the said resolution is still upon the Speaker's desk of the House of Representatives; and

Whereas the retention of said joint resolution by the Speaker for 10 months, without referring the same to a committee of the House of Representatives and without taking any other action thereon is a discourtesy to the Senate and establishes a precedent which, if carried to its logical conclusion, will bring misunderstanding between the co-ordinate branches of the Congress and will result not only in a failure to act upon important matters of national legislation but will destroy the harmony, confidence, and respect which should exist between the two coordinate branches of our National Legislature: Therefore, be it

Resolved, That the Vice President is hereby directed to appoint a committee of five Senators to look into the matter above referred to and to report to the Senate what action if any should be taken in the premises.

Mr. NORRIS. Mr. President, unless there be some Senator who wishes to examine the resolution and in order to reach the purpose I have in view, I ask unanimous consent for the present consideration of the resolution.

Mr. McNARY. Mr. President, I am not objecting to the merit of the proposal at all—

Mr. NORRIS. I have no objection to delaying the consideration of the resolution if the Senator from Oregon desires to examine it.

Mr. McNARY. But there are a number of Senators who are absent, being out of the city, and I think, under the rule, the resolution should go over.

The VICE PRESIDENT. Under the rule, the resolution will go over.

The Senate is in executive session, and the Secretary will state the first nomination on the calendar.

Mr. DILL. Mr. President, I desire to make some remarks, if it is now in order.

The VICE PRESIDENT. The Senate is in executive session. Mr. DILL. I can speak in executive session.

The VICE PRESIDENT. The Senator can do so, but the Chair suggests that the Senator delay his remarks until the business now pending in executive session shall be laid before the Senate.

Mr. DILL. If I can have any assurance of being recognized later that is agreeable to me.

LUTHER H. REICHELDERFER

The VICE PRESIDENT. The Secretary will report the first nomination on the calendar.

The Chief Clerk announced the nomination of Luther H. Reichelderfer to be Commissioner of the District of Columbia.

The VICE PRESIDENT. The question is on the confirmation of the nomination just announced. Without objection, the nomination is confirmed, and the President will be notified.

HERBERT B. CROSBY

The VICE PRESIDENT. The next nomination on the calendar will be stated.

The Chief Clerk announced the nomination of Herbert B. Crosby to be Commissioner of the District of Columbia.

Mr. COPELAND. Mr. President, I find myself in a most embarrassing position. I think that, with one exception, since I have been a Member of the Senate, I have voted to confirm the nominations sent in by the President. My regret is I can not do that in this instance.

As a member of the District Committee, I am familiar, naturally, with the arguments for the appointment of General Crosby to this office.

Before I say anything at all in opposition to the confirmation of this appointee let me assure you, Mr. President, and my colleagues, that there is nothing personal in that opposition. I do not know General Crosby, but I have heard nothing except good things about him. I have no doubt he is a man of lofty character, and he certainly has had a distinguished record in the United States Army. I sincerely wish that I were in a position to vote for his confirmation.

There are two questions involved in this issue: The first is, Did Congress intend to include two civilians on the Board of Commissioners of the District? The second, If Congress did intend to include two civilians on this board, is General Crosby a civilian within the meaning of the law?

The history of the organic act under which the President's appointment is made is very interesting.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. Has General Crosby always lived in Washington? Is this his home? Was his residence here while he was in the Army? In other words, was this his home?

Mr. COPELAND. I think his family has resided here for several years—just how long I am not informed—but, of course, the general was appointed to the Army from some State. He might have claimed residence there, but, technically, perhaps, he has been a resident of the District. That question, I think, does not arise in connection with the discussion as I shall present it.

Before I was interrupted by my friend from Tennessee I had spoken about the organic act which was passed in 1878 and which superseded the act which was passed in 1874, four years previously. In the act of 1874 the law prescribed that—

The President of the United States, by and with the advice and consent of the Senate, is authorized to appoint a commission consisting of three persons.

No limitations were placed upon the President as regards that particular commission.

A good deal of dissatisfaction arose in the District following the appointment of commissioners under the law of 1874. If I read history aright, there was considerable discord as to a lieutenant in the Army who had been appointed under the terms of the law of 1874 to assist the board of commissioners. In section 3 of the law of 1874 it was provided that—

The President of the United States shall detail an officer of the Engineer Corps of the Army of the United States who shall, subject to the general supervision and direction of said board of commissioners, have control and charge of the work of repair and improvement of all streets—

And so forth.

I judge that, for some reason or other, the young lieutenant who was detailed to assist the board of commissioners was unsatisfactory to the District.

In 1878 there was introduced in the House of Representatives a bill to provide a new organization of the board of commissioners. I want Senators to know—and to me it is more or less

of a relief to know—that Congress spent just as much time over bills in those days as they do now. I find in the CONGRESSIONAL RECORD 30 pages devoted to the debate on this bill in the House and 76 pages in the Senate; more than a hundred pages of the RECORD are given over to a discussion of what is now the organic act governing the administration of affairs in the District of Columbia.

The House bill proposed a board of commissioners made up as follows: One commissioner was to be an officer of the Army from the Engineer Corps, one commissioner was to be appointed by the Senate, and one commissioner was to be appointed by the House. Then arose a question as to the politics of these appointees, and there was discussion as to whether or not one ought not to be a Democrat and the other a Republican. In any event, after 30 pages of discussion on several different days in the House, the bill was sent to the Senate in the form I have just indicated.

In the Senate a substitute bill was presented, providing in almost identical language for the appointment of the board as is now found in the organic act. I say it was almost identical. There was long-continued discussion over whether these civilian commissioners should be appointed for 1 year, 3 years, or 5 years; and after long debate the Senate determined on three years. The bill went to the House; the Senate amendments were adopted; and there came back to this body the bill in the form in which it was enacted into law.

Mr. President, it certainly has a bearing upon this case to know what was the attitude of the Members of the Congress regarding the question of the civil status or military status, as we may put it, of these commissioners. I wish Senators who are interested might have gone through this debate as I did for the purpose of illuminating the subject as much as possible; I find in the debate very much of interest to people who live now.

There was in that day, as there is now, resentment in the District of Columbia against the appointment of "strangers" to the board of commissioners. It is made very clear in the debate that the Members of the Congress had no intent other than to appoint citizens, nonstrangers, neighbors of the people who live in the District.

I quote a few words from Senator Bayard. He speaks about his object in opposing a certain amendment. He says, at page 3606 of the CONGRESSIONAL RECORD for May 21, 1878:

My object was very obvious. It simply was that upon a measure of such importance as this to the people of this District, there should be a reasonable degree of attention and diligence upon the part of those who are to vote upon a measure so full of interest to this people.

Having been in the Senate a number of years, and endeavoring to perform my duties here by giving attention to every measure before the Senate, I have been frequently made aware of the defects of the government of this District. Its position is most anomalous. It is the only portion of the American people to whom a republican form of government is denied. That which we exact from every other community organized as a State of the Union we practically deny by legislation to the people of this District. They are in no sense of the word a self-governing people, and for a long number of years past the men who have everything at stake in this District, the men of property, the men of responsibility, the men of intelligence and character of this District, have been practically excluded from the control of their own affairs. As a consequence, their affairs having been committed to those who could not know what was needed, who could not suffer for the abuses that followed, we have had more misgovernment in this District than in any other community almost in the United States.

That sounds very familiar, Mr. President. It is the discussion that we hear every day in this community—"the voteless District." If there were no other reason for consulting the wishes of the people of the District it would seem to me very important that we should choose with great care, and, if possible, select commissioners who in a large measure are satisfactory to the people of the District.

Senator Bayard went on (p. 3606):

The status of this people is not fixed. The Government of the United States owns and controls a vast portion of the real estate of the District; that is to say, of the city portion and the valuable portion. The city of Washington is not alone a depot for its local commerce and transactions but it is the political center of the entire Union. Representatives from every State and Territory find their homes here during the sessions of Congress. The agents for the Federal Government in all its executive branches find their departments of labor here, and all persons having business throughout the United States in connection with the Federal Government must in some way or other find their way to Washington. This makes it a Federal city. It is used for Federal purposes. The occupation of the ground by those who own homes and make their permanent homes here is a mere incident to the great purpose, which is the use of this town as a center for Federal action.

The result is, as far as property is concerned, that a system of expenditure has been permitted here and a system of legislation that would never have been allowed to have one year's continuous existence in any place where the people were allowed to govern their own affairs with intelligence. There have been abuses in the way of expenditure; there are to-day abuses in the way of expenditure in the District that would not be suffered to exist anywhere else. No people who were to pay such taxes and have such expenses would ever vote to lay them upon themselves, because bankruptcy, hopeless and complete, would be the necessary result.

But I wish particularly to point out another statement made by Senator Ingalls. He refers to the way the appointments are to be made; and then I quote (p. 3607):

But believing that these officers come in no sense whatever within the provisions that would allow them to be thus designated, the committee have agreed to reject the provisions of the House bill as to the selection of the two commissioners from civil life and provide that they shall be appointed by the President and confirmed by the Senate like other officers of the United States.

So everywhere, all along the line, in all the debate, we find reference to the appointment of these commissioners from civil life.

I wish to quote a little more in that connection. Listen to this (p. 3607):

The two persons appointed from civil life shall at the time of their appointment be citizens of the United States and shall have been actual residents of the District of Columbia for three years next before their appointment and have, during that period, claimed residence nowhere else.

Here is a quotation from Senator Bayard (p. 3660):

One of the objections to the government in this District for some years past has been that persons not identified in interest with the local population and property owners have had too much to do with their government. The fact of a long residence may not always give a man a proper interest or make him a fit person to take charge of the affairs of a community. It is the identification of interest and intelligence necessary for the office that qualifies the person for the appointment. Any man, it seems to me, who is qualified to vote for another for an office should by law be qualified to be voted for.

During the debate it was proposed that these civilian commissioners should be elected by the citizens of the District.

Then Mr. Ingalls speaks (p. 3660):

The provision in the House bill upon the subject of the length of residence that should entitle a person to be appointed commissioner was five years. There was a difference of opinion in the committee as to the term that should be prescribed. Of course, there is nothing in the nature of things that renders a man specially competent to discharge the duties of his position from the mere fact of his having resided here a time greater or less than that prescribed in the bill. One great cause of complaint that the citizens of the District have frequently urged has been that strangers have been sent among them to rule over them—

I want you to note this language, Mr. President:

One great cause of complaint that the citizens of the District have frequently urged has been that strangers have been sent among them to rule over them and harass them and eat out their substance; and it was thought best, in order to comply with the sentiments of the people upon this subject and to carry out the general ideas of local self-government that prevail to so great an extent among the American people, that a period of residence and citizenship should be provided which would prevent this cause of complaint hereafter. The committee believed that as a proper measure of compromise between the term prescribed by the House, which seemed to them to be excessive, and the condition that had heretofore existed, in which no term at all was prescribed, the term of three years would perhaps be best adapted to compose existing differences and allay hostile interests in support of the measure.

Then I skip some, and come to this (p. 3660):

The period of three years is one that would enable a person residing here to familiarize himself with the wants of the people, with their peculiarities, and with the necessities of administration here. It seems to me to be appropriate, and I trust the Senate will agree to the provision as reported by the committee.

And so, Mr. President, I might go on. Mr. Merrimon, for instance, said (page 3661):

A large majority of the people here are permanent residents of this city. A population of eighty or ninety thousand people are as much at home in the District of Columbia, as the Senator is in Vermont or myself in North Carolina. They are attached to their homes, and they want to be governed by their own people. That is a natural impulse that they should desire to be governed by their own people. Now, if we intend to consult the wishes of the people of the District at all, will anybody

doubt that if the people were going to elect their commissioners they would not elect a man who had been here a less time than three years? * * * I think on looking at the circumstances, taking a reasonable view of them, that the people would naturally want to elect a man who was identified with them, and who they knew was identified with them by the length of time he had been here; they would want to take one who was familiar with their wants, who had lived among them a long time, a man whom they had come to know. They would not want a stranger. It is repulsive to human nature to have a stranger rule over you. There is no government, as a friend beside me says, so hateful as that of a stranger.

Mr. President, who can doubt that a man who has spent all his adult life in the Army of the United States, who has had a distinguished career, which has taken him as a part of the military arm of our service to every part of the earth, and who has rendered, as a military man, great service in every part of the earth, who can doubt that even such a man is a stranger to Washington? I do not know how it is with you, Mr. President, but I do not know the names of all the streets or the location of all the Parent-Teachers' Associations or the various neighborhood associations in this city. When one comes here as a Member of the Congress he does not give much thought to the locality. I think without any particular difficulty I could get from here to the Wardman Park Hotel, where I live; but I should be regarded as a stranger to this District, and properly so. What is there about the training of a major general of the United States Army that should make him familiar with the intimate affairs of the District of Columbia?

Of course, in the very nature of things, a man to be made a member of the board of commissioners, just exactly as in the case of a man to be made mayor of a city, or member of the board of aldermen, or of the board of estimate, must be a man who knows the city, and who knows it from long residence.

No one can read the debates in the Congress without believing that with deliberate intent the language which we find in this act was chosen. I quote:

That within 20 days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia.

And then later:

The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else.

Mr. NORRIS. That is the present law?

Mr. COPELAND. That is the law. Is a major general who was on active service in the United States Army up to two or three weeks ago a resident of the city of Washington in civil life within the meaning of this act? I think not.

Mr. President, if the Congress intended, and the law so specifies, that two civilians be included in the board of commissioners, is General Crosby a civilian? I shall simply touch upon this subject, because now we are going into the realm of law, and I have tried merely to give history. But in this connection I do wish to refer to one case, and leave it to others to discuss the legal aspects of the matter.

I hold in my hand One hundred and fifth United States Reports, and at page 244 we find the case of United States against Tyler. The question involved was whether an officer of the Army who was retired from active service was still in the military service of the United States. I shall read a single sentence from the decision of the court, and to my mind it is utterly unanswerable.

I am aware of the fact that the Attorney General has rendered an opinion, and in what I say about it I do not wish to be construed as at all disrespectful to the Attorney General. No one in this body can possibly admire and respect Mr. Mitchell more highly than I do. I do not know whether Mr. Mitchell personally rendered that opinion or whether some assistant in the office did it, but if the Senate will forgive me, I will tell a little story. My old friend, Governor Flower, of New York, a man of great affairs, told me one time that he hired a lawyer to give him the kind of an opinion he wanted, and if he did not get that kind of an opinion he got another lawyer!

Of course, I intend to make no unfriendly or unkind application of the story, but sometimes, perhaps, in giving a legal opinion, the wish is father to the thought. I have lived long enough in this cruel world to know that it is very easy to get a lawyer on either side of a case, and that is true, too, of a doctor when he is brought in for a so-called "expert opinion"; so

what I have said reflects just as much upon my own profession as upon the legal profession. It is to be regarded as a friendly criticism.

The question involved in this case—One hundred and fifth United States Reports—was whether an officer of the Army, retired from active service, was in the military service of the United States, and this is the answer of the court, given by Mr. Justice Miller:

It is impossible to hold that men who are by statute declared to be a part of the Army, who may wear its uniform, whose names shall be borne upon its register, who may be assigned by their superior officers to specified duties by detail as other officers are, who are subject to the rules and articles of war, and may be tried, not by a jury, as other citizens are, but by a military court-martial, for any breach of those rules, and who may finally be dismissed on such trial from the service in disgrace, are still not in the military service.

The court distinctly states that such a man, retired from active service, is still in the military service of the United States, and, under the law, is not a civilian.

In the debates which took place in 1878 the question arose as to the requirement for bonds to be given by the commissioners. It was held that, so far as the military commissioner was concerned, no bond would be required, and also that he could not be impeached; that he could be proceeded against only by court-martial.

Are we willing to have the District of Columbia turned over to military rule, no matter how benevolent or how beneficent, no matter how kindly? Are we willing to have the citizens of the District of Columbia ruled over by strangers? Are we in this day, when we are talking about law enforcement, and when great criticism is passed upon citizens who do not observe the law, and where in every conversation the discussion comes around always to the question of obedience to law and law enforcement—under these circumstances, are we going to strain the law to find an excuse to do what it is plainly unlawful to do?

If there were in the District of Columbia no citizens capable of holding this great office, if there were no outstanding lawyers or doctors or engineers or business men, if there were not a great population of able men in the District, we might then commandeer from the Army and Navy military or naval men to take military or naval possession of the District of Columbia. But why should we consent to the appointment of a man who is clearly ineligible in the face of the possibility of getting a hundred men who would do honor to the position?

Mr. President, before I sit down let me say once more that what I have said must not be regarded as in any sense a reflection upon the President who has sent in this name. I wish I could vote for every nomination he sends to the Senate. That is my desire. My position is no reflection upon the candidate himself. As I have said, I regard him highly. But the law says that two of these commissioners are to be from civil life, and when we appoint a military man on the retired list, we are not appointing a man from civil life. Therefore, if the law prescribes that two of these commissioners are to be civilians, and if the courts have held that a retired Army officer is not a civilian, what have we to do?

The answer, to me, is perfectly plain: We have but one thing to do. I wish the President would withdraw the nomination, so that, so far as I am personally concerned, I would not be in the embarrassing position of voting against the nominee. But in case the nomination is not withdrawn it is, as I view it, clearly our sworn duty, as those who would uphold the Constitution and laws of this country, to vote against the confirmation of General Crosby.

Mr. CAPPER. Mr. President, when the President sent to the Senate the name of General Crosby to be one of the Commissioners of the District of Columbia, in accordance with the usual procedure, the Committee on the District of Columbia waited about 10 days after the nomination was sent in and held a hearing. It was largely attended. The various groups of business men and citizens' associations who might be interested had been invited to appear and state their views, favorable or unfavorable, as to the nomination.

The showing as to the character and ability and fitness of the nominee, General Crosby, was unusually strong. As a member of this committee I have had a part in the consideration of all nominations for Commissioners of the District of Columbia in the past 11 years, and during that time the committee has considered many nominations. I express the opinion that no stronger showing ever was made before our committee, so far as the qualifications of the nominee, his character, his ability, and his fitness were concerned, than was made in case of General Crosby.

I was particularly impressed by the statement of Doctor Havenner, president of the Federation of Citizens' Associations, representing 54 neighborhood citizen societies, with a membership of about 36,000 of the best people of the District of Columbia. As a rule they are business men, Government employees, and other fine people who are deeply interested in the problems of this District. Doctor Havenner said to the committee that his federation had made a thorough and earnest effort to inquire into the merits of the nomination; that he had appointed a representative committee of seven of the best known and most influential members of the federation; that they had given serious consideration to all the questions raised; that they had reached the conclusion that General Crosby was entitled to their support; and that a majority of the federation voted accordingly. Doctor Havenner said that everything they had learned about General Crosby convinced them that he would make a high-class commissioner.

As a matter of fact, Mr. President, the only question that has been raised against General Crosby has to do with his eligibility. Doctor Havenner, representing the great body of citizens in the District of Columbia, particularly stressed the point that hair-splitting technicalities involving the legality of this appointment ought not to block the confirmation of the man who is so well qualified to render valuable service to the District.

For my own part, I wish to say that I think the President made an excellent selection. The District of Columbia will be fortunate indeed if it secures the services of a man of the type of General Crosby. I believe—and I find it to be the overwhelming view of the citizens of the District of Columbia—that General Crosby is peculiarly fitted for the place at this time.

There has been in the last year a great deal of criticism of police conditions in this District. Much of the criticism probably has been justified and a great deal of it is unwarranted; but, in any event, General Crosby, who would be at the head of police affairs of the District, is, it seems to me, preeminently qualified for that great responsibility.

He is a great disciplinarian. He has remarkable qualities as a leader of men. Police service will be vastly improved under his direction. The question of eligibility does not disturb me in the least. I rely absolutely upon the decision of the Attorney General of the United States. I think General Mitchell's opinion submitted to the District Committee removes all doubt on that point. I hope, therefore, that the Senate will approve the recommendation of the committee in favor of confirmation of General Crosby.

Mr. VANDENBERG obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to enable me to suggest the absence of a quorum?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Michigan yield to the Senator from Ohio for that purpose?

Mr. VANDENBERG. I yield.

Mr. FESS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	Keyes	Simmons
Ashurst	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norbeck	Sullivan
Borah	Greene	Norris	Thomas, Idaho
Bratton	Grundy	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Townsend
Broussard	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hatfield	Pine	Vandenberg
Connally	Hayden	Pittman	Wagner
Copeland	Hebert	Ransdell	Walcott
Couzens	Heflin	Robinson, Ind.	Walsh, Mass.
Dale	Howell	Robison, Ky.	Walsh, Mont.
Dill	Johnson	Schall	Watson
Fess	Jones	Sheppard	Wheeler
Frazier	Kean	Shipstead	
George	Kendrick	Shortridge	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, I shall detain the Senate only a very few moments. I feel that the Senate is substantially ready to vote to confirm the nomination of General Crosby. Really, the only purpose that I have in rising is to respond, for the record, to the criticism submitted by my able friend from New York [Mr. COPELAND].

Mr. President, I have every respect in the world for the spirit and the letter of the law. I would be one of the first to agree that temporary expedient has no right to warp our interpretation of the law. But in the pending case, after very carefully listening to all of the witnesses and after very carefully read-

ing all of the briefs, I am forced to the conclusion that it is the opposition to the confirmation of General Crosby as a District commissioner rather than his defense which relies upon technicalities to build a justification for its attitude. I can find absolutely nothing else in the opposition to the confirmation of General Crosby except finely spun and fly-specking technicalities which themselves have been dismissed by the highest law officer of the Government.

Everybody apparently, including my distinguished friend from New York, absolutely agrees that General Crosby is superbly qualified to serve the District in the position to which he has been designated by the President. I have never seen such unanimity of testimony respecting any prospective public servant. There does not seem to be a single opposing voice to criticize the type and character of public service which he is calculated to render. There is not one critic who raises a word of criticism against his character, his record, his capacity, or the probability of his utility as a commissioner of the District of Columbia. The one and only objection is the legalistic objection submitted by my friend from New York [Mr. COPELAND], an objection which undertakes to find in the organic act of the District of Columbia a prejudicial phrase around which a semblance of a legal disability can be fabricated. Then a labored argument is piously presented to justify the rejection of the services of a man as commissioner whom everybody wants except for the legal objection which is pretended to exist.

Mr. President, it would be perfectly absurd for me as a layman to undertake a dissection of the decisions of the courts. My good friend from New York has given his medical opinion respecting the legal situation. But I am forced to rely upon the chief law officer of the Government, and it occurs to me that when the Senate of the United States relies upon the chief law officer of the Government it has fairly ample and warrantable credentials for its position.

The Attorney General of the United States, Mr. Mitchell, filed with the Committee on the District of Columbia a very complete and exhaustive brief which included among other exhibits a discussion and a dismissal of the particular case to which the Senator from New York referred, which I think was United States against Tyler. I am about to quote from the opinion of the Attorney General as printed at page 37 of the hearings before the committee. The Attorney General puts particular emphasis upon the particular form in which the definition of "civil life" occurs in the statute. I quote the statute:

The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment.

The two persons appointed from civil life shall be—

And so forth.

In other words, it is a description in the eyes of the Attorney General rather than a definition of necessity. The Attorney General surveys all of the decisions which have been rendered in respect to any phase of the question and comes to a very definite and positive conclusion. I quote the Attorney General:

In using the term "civil life" Congress referred to the activity in life of the appointee. It is the taking of a person from one of two classes of society, military or civil. Military life is led when a person is in the active military service of the Army and is doing duty in his daily life in carrying out military functions. If he is carrying on military work and that is his life's activity at the time, he is not from civil life, but if he has retired from that activity and his pursuits are civil, then he is from civil life.

There can be no question whatever respecting the facts. General Crosby has retired from military activity. General Crosby's pursuits are civil, and, therefore, in the argument of the Attorney General, he properly is defined now as being from civil life.

I continue the quotation:

At least this appears to be the sense in which Congress used the phrase in this statute.

"The sense in which Congress used the phrase" involves the fundamental implication which rests behind this charge of military discrepancy in the credentials of General Crosby. Let us test the "sense" of the situation. Nobody wants to substitute military rule in the District of Columbia for civil rule, and nobody in his right mind has the remotest notion that the appointment of General Crosby as one of the District commissioners will remotely or indirectly or by any possible stretch of the imagination produce military rule in lieu of civil rule in the District of Columbia. So far as the practical effect of the appointment is concerned, there is no pretense of an argument that

any untoward net result will follow. So when the Attorney General particularly refers "to the sense in which Congress used the phrase in this statute," I submit we are entitled, precisely as he argues we are entitled, to consult the net result of the appointment in determining whether or not it has an improper implication.

To me the inevitable implication is that we are asked by these critics to pronounce the strange doctrine, Mr. President, that no ex-soldier may be trusted with subsequent civilian responsibility because of the fact that he was a soldier, and thereby in some strange manner demonstrated his unreliability in the discharge of a public function. We are asked to say that military training and military service, in some strange fashion, produce ultimate disability in the clean purposes of citizenship. I would not care to answer for that type of an interpretation to the millions of men in America whose memories still are fresh in respect to the honored uniform they have worn in the service of their country.

Furthermore, Mr. President, every provision which we have written into civil service laws in behalf of ex-service men establishes preferences which specifically proclaim the purpose of Congress to recognize priorities in behalf of ex-service men. That is all beside the technical, legal interpretation of the statute, I am frank to concede, but I am coming back to the sentence in the opinion of the Attorney General which insists that the sense in which Congress intended this phrase to be used is part of the necessary rule of interpretation. I submit that the Attorney General is completely warranted in the conclusion that there was no purpose to proclaim an automatic disability for every man who ever had worn the uniform of his country and to say that thereafter, merely because he is an ex-soldier, he is robbed of all eligibility for civilian utility, and that he no longer is entitled to be trusted in his civilian judgments.

Now, continuing the reference to the Attorney General's opinion, at page 43 of the printed record, there is a summation of his conclusions. I am not going to take the time of the Senate to read the complete summation, although I ask that the summation be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

First. That prior to the enactment of the District of Columbia act of 1878 all three of the commissioners of the District might have been retired Army officers.

Second. That before, at the time of, and ever since the enactment of the District of Columbia act of 1878, retired Army officers have been by law eligible for any civil post under the United States elective or to be filled by the President, by and with the advice and consent of the Senate, except diplomatic posts abroad.

Third. That no sufficient reason can be advanced to support the view that by the act of 1878 Congress intended to depart from this practice and specifically render retired Army officers ineligible to the post of commissioner of the District.

Fourth. That in enumerating the qualifications of the two commissioners, other than the engineer commissioner in the act of 1878, Congress did not specifically direct that they should be in civil life when appointed. Its reference to the two commissioners as the two "appointed from civil life" is not the establishment of a specific qualification, but an assumption that under existing law only persons from civil life were eligible; and since under the existing law only active military officers, and not retired officers, were ineligible, the phrase "civil life" must be construed to refer to the civil life of those engaged in civil pursuits, including retired officers, in contrast with the military life of active Army officers.

Fifth. The phrase "the two to be appointed from civil life," contained in the District act, must be construed in the sense in which it was used in this particular statute.

Sixth. To hold that a person is not in civil life who at one time has been in the military service, and who is subject to call or recall into the military service by reason of definite connection with the Military Establishment, would be to render ineligible not only retired officers but possibly reserve officers.

Seventh. Retired officers who have ceased to engage in military service and have entered civil life and civil pursuits, and are not subject to call into the military service in time of peace except with their consent, are in civil life within the meaning of the District act and eligible to appointment to the office of commissioner.

Mr. VANDENBERG. I emphasize the three final paragraphs of the Attorney General's conclusions. First—

The phrase "the two to be appointed from civil life," contained in the District act, must be construed in the sense in which it was used in this particular statute.

Second—

To hold that a person is not in civil life who at one time has been in the military service, and who is subject to call or recall into the military service by reason of definite connection with the Military Establishment, would be to render ineligible not only retired officers but possibly reserve officers.

And lastly—

Retired officers who have ceased to engage in military service and have entered civil life and civil pursuits, and are not subject to call into the military service in time of peace except with their consent, are in civil life within the meaning of the District act and eligible to appointment to the office of commissioner.

Mr. President, the Senator from New York [Mr. COPELAND] repeatedly said that General Crosby is clearly ineligible. I submit the Senator has no justification whatsoever for any such summary and complete dismissal of the opinion of the chief law officer of the United States, who, on the contrary, says in words of specific, undeniable, and unequivocal import that General Crosby is in civil life and is eligible within the meaning of the statute.

Mr. DILL. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. VANDENBERG. I yield.

Mr. DILL. As I understand, there is no claim by anybody that General Crosby is in any way unfit for this office?

Mr. VANDENBERG. Probably the Senator was not present when I began. I then emphasized the fact that I never in my life knew such absolute unanimity as to the practical utility of the man himself for the position to which he has been named.

Mr. DILL. The only question is the doubt as to his eligibility?

Mr. VANDENBERG. That is the only question which has been raised.

Mr. DILL. And the Attorney General takes the position that he is eligible.

Mr. VANDENBERG. The Attorney General takes the position absolutely without equivocation that General Crosby is eligible, and Mr. President, he has some legal collaboration to that same net result, which I should like to emphasize.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. ROSSON of Kentucky in the chair). Does the Senator from Michigan yield to the Senator from Montana?

Mr. VANDENBERG. I yield.

Mr. WALSH of Montana. I merely desire to remark, in view of the question asked the Senator from Michigan by the Senator from Washington, that the Attorney General does not even discuss the most important question in the case.

Mr. VANDENBERG. The Senator from Montana does not deny my statement of the Attorney General's conclusions, does he?

Mr. WALSH of Montana. I have no doubt the Senator read accurately what the Attorney General said.

Mr. VANDENBERG. Mr. President, in addition to the inquiry made by the Attorney General into this matter, the Federation of Citizens' Associations of the District of Columbia appointed a special committee, on which were several lawyers, for the particular and specific purpose of again running down this question mark upon General Crosby's credentials. The Senator from New York has repeatedly spoken about the need for listening to the inarticulate voice of the District—if I may use such a paradoxical expression. Here is the articulate voice of the District, speaking through its Federation of Citizens' Associations; here is the report of its committee. That report is just as positive and just as undeniable in its conclusions as is the report submitted by the Attorney General. I quote from the report, which, I repeat, was submitted by a committee partially composed of well and favorably known lawyers of the District of Columbia:

We furthermore believe had Congress definitely intended that a retired military officer who had formerly served his country with distinction should be ineligible to thus serve as a Commissioner of the District of Columbia, such intention would have been clearly expressed and that the question of interpreting the term "from civil life" would not have been left to the field of mental gymnastics.

I quote further from the same report:

Weighing the whole matter dispassionately and balancing any suggested losses against probable gains by his appointment, your committee is of the opinion that the District will benefit by the appointment of General Crosby and assures the President of its most hearty coopera-

tion in making General Crosby's term of office productive of good to this community. His previous wearing of the uniform of the United States Army shall not militate against his opportunity to serve the District of Columbia so far as we are concerned, when the only objections are based solely upon a technicality of law. Splitting legal hairs will not in any way guarantee to the District of Columbia any better public service than we expect from General Crosby, whose record is clean and whose character is unassailable.

That is the voice of the District. It is not only a legal opinion, supported by eminent lawyers of the District of Columbia speaking over their own signatures, but it is the voice of an organized community speaking through its own federation, and begging of the Senate not to put the splitting of legal hairs in the way of obtaining the superb advantage of the service of a splendid officer who everybody admits will be a tremendous asset to the public welfare of the city of Washington.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Virginia?

Mr. VANDENBERG. I yield to the Senator from Virginia.

Mr. GLASS. Can the Senator tell us how many retired Army officers have been appointed to the post of District commissioner since the adoption of the organic law in 1878?

Mr. VANDENBERG. I am unable to tell the Senator.

Mr. GLASS. Is it possible that the Senator, who has such complete knowledge of the law and of the facts, has not taken care to ascertain whether or not any of the 10 or 15 Presidents who have been in office since 1878 have ventured to appoint retired Army officers to this position, and, if so, how many?

Mr. VANDENBERG. I disclaim the Senator's premise, to begin with, that I am undertaking to present any profound legal conclusions. On the contrary, I specifically said that I was not entitled to present any such conclusions, and, therefore, that I should confine myself to the conclusions of the Attorney General, upon whom I think I have a right to rely.

Mr. GLASS. Is it not rather extraordinary that in giving an opinion on so important a problem as this the Attorney General himself seems to have been unable to cite a single instance in which this has been done in 52 years?

Mr. VANDENBERG. I think that is quite beside the point.

Mr. GLASS. Oh, yes.

Mr. VANDENBERG. The question of General Crosby's eligibility stands upon its own merit or falls upon its own merit. We know of many cases where former Army officers subsequently have been drafted into civil life and have rendered conspicuous public service as a result. At this immediate moment I am glad to testify in this public forum that I think General Patrick, who is now a member of the District Public Utilities Commission, is one of the most useful men, in my observation, who possibly could sit in that particular jurisdiction.

Mr. GLASS. Will the Senator point me to any provision of the statutes that expressly says that a retired Army officer may not be a member of the Public Utilities Commission?

Mr. VANDENBERG. O Mr. President, I made no pretense that the two positions are on a parity so far as the statutes are concerned.

Mr. GLASS. Then why the attempt at analogy? Nobody denies that a retired military officer has capacity.

Mr. VANDENBERG. It was not even an attempt at analogy, as the Senator would realize if he would listen with reasonable attentiveness to what I say.

Mr. GLASS. I am perfectly aware of the fact that no Senator has a reasonable comprehension of matters if he differs from the opinion expressed by my distinguished friend from Michigan.

Mr. VANDENBERG. Now, if the Senator from Virginia has concluded his what to me has now become an irrelevant colloquy, I should like to conclude.

I say that so far as the legal situation is concerned there is complete and absolute justification for the appointment of General Crosby when the Senate of the United States can rely upon the formal written opinion of the chief law officer of the Government, namely, the Attorney General of the United States. I submit that he should be confirmed because of the overwhelming testimony that he is calculated to be one of the most useful servants that could be drafted into the service of the District of Columbia; and I emphasize with particularity that inasmuch as he is drafted to that portion of the Government which shall have charge of the police and fire departments, it is, from my viewpoint, doubly fortunate that so able and so dependable a commander of men should be available.

I am sorry that the junior Senator from South Carolina [Mr. BLEASE] is absent to-day. The Senate is familiar with the particular attention which he has paid to District affairs; and I

want to say for him that before he left he testified to his complete and enthusiastic desire that General Crosby should be confirmed.

I think that, in conclusion, I should refer also to the attitude of the police department itself, inasmuch as we have heard so much about respecting the home-rule wishes of the District in this matter.

Mr. Douthitt, the editor of a paper which devotes its interests to the members of the Metropolitan police department, testified before the committee—and I quote the following two sentences—

I think a vote to-day would show that 95 per cent of the men in the police department would want General Crosby. They feel that what they need there to-day is a man who has no connection which would be considered to be political and who would not be influenced by any outside interference.

Mr. President, in my judgment that precisely describes the type of man that is needed in the police situation in the city of Washington; and I think it is exceedingly fortunate that at this particular time so completely and thoroughly eligible a man is available for the designation and one who is utterly free from entanglements.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. VANDENBERG. I yield to the Senator from Arkansas.

Mr. CARAWAY. To refuse to confirm Mr. Crosby would be to lend encouragement to those very elements in the District that oppose his nomination because they do not want the police to enforce the law, would it not?

Mr. VANDENBERG. I think the Senator makes an absolutely correct statement.

Mr. President, this concludes, I hope, all of the essential presentation to justify the action of the Senate in agreeing with the President of the United States that General Crosby should be confirmed as District Commissioner. Let us proceed from this sham battle over legalistic phrases to the realities of actual battle with crime in the city of Washington.

Mr. WALSH of Montana obtained the floor.

Mr. COPELAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROSSION of Kentucky in the chair). The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	Keyes	Simmons
Ashurst	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norbeck	Sullivan
Borah	Greene	Norris	Thomas, Idaho
Bratton	Grundy	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Townsend
Broussard	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hatfield	Pine	Vandenberg
Connally	Hayden	Pittman	Wagner
Copeland	Hebert	Ransdell	Walcott
Couzens	Heflin	Robinson, Ind.	Walsh, Mass.
Dale	Howell	Rossion, Ky.	Walsh, Mont.
Dill	Johnson	Schall	Watson
Fess	Jones	Sheppard	Wheeler
Frazier	Kean	Shipstead	
George	Kendrick	Shortridge	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present. The Senator from Montana [Mr. WALSH] is entitled to the floor.

Mr. WALSH of Montana. Mr. President, the Senator from Virginia [Mr. GLASS], being called from the Chamber presently, desires to speak briefly upon this subject. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. GLASS. Mr. President, it is unquestionably true that nobody—individual or citizens' association representatives—appeared before the District Committee in opposition to this nomination upon the score of fitness. Nobody, I take it, questions the high character of General Crosby nor his capabilities. Both of these considerations may therefore be assumed, though I find myself unable to speak with that didactic emphasis which characterized the address of the junior Senator from Michigan and that because the subject was not discussed.

My sole objection to the confirmation of General Crosby is that, in my layman's interpretation of the plain English of the law, he is ineligible. It is said that the Attorney General's opinion on the subject is conclusive as to the intent of Congress. It is not fortified by any reference to the contemporaneous discussion of the question when the organic law was enacted. It is not sustained by any reference whatsoever to the history of the act or by any reference whatsoever to any justifying circum-

stances. It is merely incidentally an expression of the Attorney General that the intent of the Congress must have been this.

It will be recalled that a moment ago I interrupted the Senator from Michigan to inquire whether he could point to a single case in the 52 years that have elapsed since the adoption of the organic act in which any President of the United States has interpreted the law as the present Attorney General interprets it and has ventured to appoint as one of the two civilian Commissioners of the District either an active or a retired officer of the Army. The Senator very frankly asserted that he could not point to a single case.

Mr. President, as it seems to me, the most significant thing about the elaborate statement of the Attorney General, as printed in the hearings of the committee, is the fact that, notwithstanding the care and the detail exhibited in the statement, he nowhere cites or undertakes to cite the fact that any President has ever heretofore, in 52 years, designated either an active or a retired officer of the Regular Army for the position of commissioner in the face of the organic law saying that these two appointees must be from civilian life, must be civilians; and, to emphasize the purpose of the statute, it goes on to say that an Army officer of a specified rank shall be designated by the President to act as the engineer commissioner of the District of Columbia. So that both in an affirmative sense and in a negative sense the statute shows what was the intent of the law, and the very fact that it has been scrupulously observed for 52 years by every President is significant of the interpretation of the law by the Executive for this whole period of time.

To my simple layman's mind—which, of course, is not clear because it is not in accord with the trained mind of the junior Senator from Michigan—there can be no question of the fact, from court decision after court decision, ranging from the inferior courts to the Supreme Court of the United States, that the classification of membership in the Army of the United States incorporates this appointee. By the opinions of Attorney General after Attorney General retired Army officers are classified as military men. In the statutes defining the membership of the Army are included these words:

The officers and enlisted men of the Army on the retired list.

That is repeated over and over again in other statutes touching this question.

It is said the implication is that a man who is enlisted in the service of his country, who has jeopardized his life, ought not to be discriminated against in this sense; that the implication is of an offensive nature; that he is not qualified to discharge the duties of District Commissioner. Of course, that is not the implication. On the other hand, the plain implication is that the President of the United States, notwithstanding the express requirements of the Senate, does not think that he may find in a population of 500,000 civilians here in Washington a man who is suitable for the post of District Commissioner, and, being unable to find a man of character and intellect and disposition and fitness for the post, he must violate the plain requirements of the statute and appoint an Army officer.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. McKELLAR. Of course, this officer will draw from the Government retired pay.

Mr. GLASS. Yes.

Mr. McKELLAR. He will be paid by the Government as a military officer for the rest of his life.

Mr. GLASS. Yes; subject to call, subject to trial by court-martial.

Mr. McKELLAR. At any time?

Mr. GLASS. At any time.

Mr. McKELLAR. The question I want to ask is this: In making the appointment to the position of Commissioner, are arrangements made as to the salary, or would such an appointee draw one salary as civilian commissioner and one salary as a retired Army officer?

Mr. GLASS. I imagine he would draw but one salary. I have not followed that detail, because my sole opposition to the confirmation of General Crosby is that he is ineligible under the law, and that we should not set the example of deliberately violating the law in order to accommodate a situation which does not need to be accommodated in this fashion.

I will not tire the Senate by reading over and over again the statutory classifications of membership in the Army.

Not only is it significant that no President before has ever done this thing in 52 years, and that the Attorney General, in undertaking to sustain their position, finds himself utterly unable to point to a single instance in which the law has been violated, I have trustworthy information to the effect that as distinguished a retired officer as Gen. William M. Black, whose

service as such is almost unsurpassed in engineering and in administration, as well as in arms and command, was determined to be ineligible for the position by the then Attorney General, Mr. Sargent.

Information has just been conveyed to me also that General Helmick, who was considered for the position, was personally told by Attorney General Sargent that he was ineligible by reason of the fact that he was a retired Army officer.

I do not intend to mislead the Senate in any degree. The official disqualification of General Black was because of his ineligibility under the residence clause of the statute, but it was at the same time likewise determined by the Attorney General's office that he was also ineligible on account of being a retired Army officer. This latter fact was not officially communicated to the White House. I have a telegram from a former Assistant Attorney General, Colonel Donovan, who says that the department simply dispatched a letter to the White House stating that General Black was ineligible on account of the residential inhibition of the statute, and therefore it was not necessary to give a formal opinion to the President relating to General Black's ineligibility as a retired Army officer.

Mr. President, I have concluded all I have to say on the subject. It is not pleasing for a Senator ever to feel obliged to oppose the President of the United States in the matter of the selection of public officials. It is actually painful for any Senator of sensibility to feel obliged to oppose the confirmation of so worthy and accomplished a gentleman as I am sure General Crosby is. But it also should be displeasing to any Senator, under oath to follow his conscience and convictions in the interpretation of the laws, to vote to deliberately violate a statute which to him is unmistakable and clear.

For the reasons I have given I shall feel obliged to vote against confirmation of the nomination.

THE PRESIDING OFFICER. The question is, Will the Senate advise and consent to the appointment of Herbert B. Crosby to be a Commissioner of the District of Columbia?

Mr. WALSH of Montana. Mr. President, I should not inject myself into this discussion did I not feel, as I do, that it involves not merely the ordinary choice of a man for an official position but really involves the essentials of government according to the American conception of government.

A statute under which the appointment is made provides that one of the Commissioners of the District of Columbia shall be an officer of the Army and the other two shall be chosen from civil life and from among those who have been residents of the District for a period of three years. Two important legal questions are thus presented, first, whether this is an appointment from civil life; and, secondly, whether General Crosby has been a resident of the District of Columbia for more than three years.

It is said that the Attorney General—and I regret that the Senator from Michigan [Mr. VANDENBERG], who advanced the argument, is not present—has ruled that General Crosby is eligible to this position. That is an inaccurate statement of the situation. The Attorney General has passed on the question of whether he comes from civil life. He has not passed at all upon the question as to whether he ever has been a resident of the District of Columbia, which to my mind, if any distinction is to be established, is the more important of the two questions. The opinion of the Attorney General is introduced by this paragraph:

The question under consideration is whether a retired Army officer is eligible for appointment to office, assuming—

Assuming!—

assuming that he has the qualifications of citizenship and actual residence in the District for three years next before his appointment, as specified in the act relating to the District of Columbia.

The language of the act is as follows:

The commissioner who shall be an officer detailed, from time to time, from the Corps of Engineers, by the President, for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment; * * * said commissioners appointed from civil life shall each receive for his services a compensation at the rate of \$5,000 per annum.

So two requirements are essential: First, that he must come from civil life; and, second, he must have been for three years a resident of the District of Columbia.

Now, with respect to the question canvassed by the Attorney General as to whether a retired Army officer comes from civil life if he is appointed to an official position, there is room for argument. With respect to the other matter, as I shall

undertake to show, in my judgment there is no room for argument.

I do not agree with the conclusion arrived at by the learned Attorney General, for whose opinion upon a question of law I have the most profound respect. I take it that the statement of the statute that two of these officers, Commissioners of the District of Columbia, shall come from civil life is but an expression of the repugnance of the American people to military government. It was deemed advisable, because of the many duties of an engineering character which devolve upon the Commissioners of the District, to have one of them come from the Army, and then, so as to stop any further appointments from that source, it was provided in the statute that the other two should come from civil life.

Mr. President, the repugnance of the American people to military rule, to the rule of officers of the Army, is not by any means peculiar to them. It seems to me to be inherent in all liberty-loving people. We all remember how the Filipinos, having, perhaps, very little other cause of complaint of Major General Wood as Governor General of the Philippines, really objected to him because he was a military man accustomed to military methods, accustomed to giving orders, which orders should be obeyed regardless of any limitations of statute imposed upon him. The people of Porto Rico are contending against military rule in that little island. So far as the Philippines are concerned, it was so generally regarded as a just objection on the part of the Filipinos that a general demand went up for the appointment of a man from civil life as Governor General of the Philippines.

That is what the statute means. It means that the Congress of the United States did not intend to impose upon the people of the District of Columbia a government by commissioners two of whom, or the majority of whom, had been accustomed to the arbitrariness of military rule.

So, Mr. President, far from this matter being a technical objection to the appointment of General Crosby, I assert that in the effort to sustain the appointment there is resort to all manner of technicalities in order to avoid the plain meaning of the statute.

Mr. DILL. Mr. President, can the Senator tell us with reference to the compensation which General Crosby is receiving as a retired Army officer, and whether he would continue to receive it and a salary as commissioner?

Mr. WALSH of Montana. I do not know; but I think there is a statute which prevents any officer from receiving two salaries.

Mr. BLAINE. Mr. President, my understanding is that a retired Army officer appointed to a position in the District of Columbia as a District officer still continues to receive his retired allowance and the salary provided for that special office.

Mr. WALSH of Montana. That may be. I am not informed as to that.

Mr. BLAINE. I know that to be the case in respect to General Patrick, who was appointed as a member of the Public Utilities Commission of the District.

Mr. DILL. Does the Senator know what is the retired pay of General Crosby?

Mr. WALSH of Montana. No; I do not.

Mr. DILL. Does the Senator know what is the salary of a Commissioner of the District?

Mr. GEORGE. It was \$5,000 a year; but I believe it is more now.

Mr. WALSH of Montana. Mr. President, my attention was drawn to this general subject quite a good many years ago, when, upon the retirement of a major general of the Army during the war, he undertook to represent before the War Department parties who had some contracts to solicit from that department or some claims of one kind or another to adjust. The officer in particular had been in the quartermaster branch of the service and thus had become familiar with the necessities of the Army with respect to supplies of all kinds, and he was in a position very effectively to represent anyone desiring to get contracts from the Army or to make an adjustment of claims because of them. His friends were much disturbed by reason of the statute, which is now section 198 of title 18 of the Criminal Code and Criminal Procedure, reading as follows:

Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant

against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

Members of the National Guard are excepted from the operation of the statute. So the question was presented as to whether this retired officer of the Army was an officer of the United States so as to fall under the condemnation of this particular statute. Fortunately it was an inadvertence upon his part, and he promptly acknowledged the situation and nothing further was done about it.

But if now we hold that a retired Army officer is not an officer of the United States, everyone of them quartered here in the District of Columbia, or anywhere around in the United States, could proceed at once to represent all kinds of claims before the various departments of the Government without let or hindrance. Is there anyone here who will contend that within the meaning of the statute a retired Army officer is not an officer of the United States? I take it there is not.

No reference has been made to this particular statute or the situation which would confront us if we hold that a retired Army officer is not an officer of the United States. If he is an officer of the military arm of the United States, he is an officer of the Army of the United States, because, of course, he is not an officer in civil life, and consequently he can not come from civil life within the meaning of the statute. As I said, the Attorney General has not adverted to that feature.

But what is the situation with respect to the matter as it stands on the decision? As we have been told by the Senator from New York [Mr. COPELAND], there is what seems to be a perfectly straight and unequivocal decision of the Supreme Court of the United States upon the subject holding that he is an officer of the United States. Although reference has been made to it, let me read again the views of Mr. Justice Miller in the case of United States against Tyler, at page 105. I read from page 246:

It is impossible to hold that men who are by statute declared to be a part of the Army, who may wear its uniform, whose names shall be borne upon its register, who may be assigned by their superior officers to specified duties by detail, as other officers are, who are subject to the rules and articles of war, and may be tried, not by a jury, as other citizens are, but by a military court-martial, for any breach of those rules, and who may finally be dismissed on such trial from the service in disgrace, are still not in the military service.

That conclusion, Mr. President, has the approval of two Attorneys General of the United States; it has the approval of the Court of Claims in three several cases; and it has the approval of the district court of the United States in a case to which I shall presently advert. I call attention to some of these cases adverted to in the record of the hearings of this case.

Mr. Darr, appearing before the committee, said:

I quote from the opinion of the Attorney General on this subject as to the status of retired Army officers in the volume cited, at page 187, which opinion was given at the instance of the Secretary of War—

Just a few brief lines. This is from Attorney General Moody:

As to your first question, it is clear that officers of the Army on the retired list hold public office. They are a part of the Army of the United States (sec. 1094, Revised Statutes; Wood v. United States, 15 Court of Claims, 151, 160; United States v. Tyler, 105 U. S. 244; United States v. Wood, 107 U. S. 414; Badeau v. United States, 130 U. S. 439).

Mr. Darr continues:

In the same opinion, upon the same page, the Attorney General says: "By Revised Statutes, section 1004, officers on the retired list of the Army, compose part of the Army of the United States, and therefore no one can be upon that list who is not an officer appointed as required by the Constitution, Article II, section 2."

Mr. Attorney General Wickersham rendered exactly the same opinion. I read from page 10 of the record of the hearings. Mr. Darr further said:

Now, we have another opinion from the Attorney General of the United States. Let us see what the Attorney General of the United States, Hon. George W. Wickersham, of New York, has to say about this subject, quoting from opinions of Attorney Generals, volume 29, 1011-12, at page 401, and the book is here containing the opinion—

Also a few brief lines—

The first section of the act of February 2, 1901 (31 Stat. 748), deals with the composition of the Army, and provides that it shall consist of certain regiments of Cavalry and Infantry, a corps of Artillery, certain officers, and departments and "The officers and enlisted men of the Army on the retired list." So by positive declaration of statute these men are not pensioners, but soldiers, not "ex" or "civ-

vant," but actual soldiers, incorporated into the Army as all existing, integral part of it, by the same law and the same section of the law, which makes their brothers on the active list a part of the Army.

Then Mr. Darr refers, as found on page 12 of the hearings, to the opinion of the Court of Claims in the case of Texas against De Gress. I might say, Mr. President, in this connection that there are conflicting opinions on this question in the courts of the Union. The courts of the State of New York hold that within the purview of a certain statute of that State a retired Army officer is not an officer of the United States, and is therefore eligible to appointment to State office. The State of Texas holds quite to the contrary in the case referred to, that of Texas against De Gress. Mr. Darr went on to say:

This case of Texas v. De Gress has been cited by the United States Court of Claims and concurred in by the United States Court of Claims at page 44 in Court of Claims Reports 31, 1895-96, and to the same effect is Wood v. United States, reported in United States Supreme Court Reports (27 Law Ed. U. S. 106-109), which states as follows—

The quotation is brief—

That, by section 1274 of the Revised Statutes, the pay of officers on the retired list of the Army is determined by the rank upon which they are retired; that, by section 1094, the officers of the Army on the retired list are a part of the Army of the United States, and, therefore, no one can be upon that list who is not an officer appointed in the manner required by section 2 of Article II of the Constitution.

Then he refers to the case of Flower et al. against The United States, Thirtieth Court of Claims, and says:

The case of Flower et al. v. United States, 30 Court of Claims, at page 36, reading from the syllabus, says:

"The court adheres to its former decision in the matter of Tyler (18 C. Cls. R., 25), that a retired officer of the Army is an 'officer of the United States' within the meaning of the Revised Statutes (sec. 5498), and that it is the duty of this court not to permit a violation of the statute in its presence.

"An officer of the Army who has never resigned or been dismissed and has been placed on the retired list is still an officer of the United States."

Mr. President, I want to advert now to the decision which is found in One hundred and eighty-ninth Federal Reporter, page 761, a decision by the Circuit Court for the Southern District of New York, rendered on May 27, 1911. The learned Judge Hand, now, as my recollection serves me—the Senator from New York will correct me if I am wrong—circuit court judge for that circuit, considering this question, says in his opinion:

The question being open on the merits, it becomes one of whether or not the defendant was discharged from "service" or "the service" under the acts of 1877 and 1899. There seems to be no doubt—

Says Judge Hand—

There seems to be no doubt that as a retired officer he is still in the military service of the United States. United States v. Tyler (105 U. S. 244, 246; 26 L. Ed. 985). Mr. Justice Miller says in that case as follows—

As I have heretofore quoted.

The Federal courts, apparently, or not divided upon this subject at all. They regard a retired Army officer as being in the military service, in the service of the United States. But, Mr. President, as I have heretofore indicated to my mind that is not really the most serious question, although appointing military men to positions having to do with the ordinary operations of government, is a question, the importance of which ought not by any means to be minimized.

It will be remembered, Mr. President, that not only must the appointee come from civil life and not from the military service but he must also have been a resident of the District for three years.

Mr. BLACK. Mr. President, will the Senator yield for a question on the first subject?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH of Montana. I yield.

Mr. BLACK. What position would a man be in who holds a reserve commission in the Army?

Mr. WALSH of Montana. I think, Mr. President, that he would be in the same situation as members of the National Guard who are not regarded as being officers of the United States or in the service of the United States.

The learned Attorney General calls attention to the point now precipitated by the question addressed to me by the Senator from Alabama, but there has always been recognized a material difference between the militia of the country and the Regular Army of the country. A man who may be in the militia and,

of course, has a residence in the place where he lives really is spoken of as being in civil life, although he may be called into the military service at any time upon the call of the President.

Mr. GLASS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Virginia?

Mr. WALSH of Montana. I yield.

Mr. GLASS. As the Senator knows, the various statutes classifying military officers do not include reserve officers.

Mr. WALSH of Montana. Exactly. I think the distinction is plain.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. In further reply to the Senator from Alabama, the Senator from Montana made that very clear when he read an excerpt from the code that the officers of the National Guard were not included.

Mr. WALSH of Montana. Let me put that in the RECORD. Section 109 of the Criminal Code, section 198 of title 18, of the United States Code, provides:

Members of the National Guard of the District of Columbia who receive compensation for their services as such shall not be held or construed to be officers of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any department of the Government of the United States within the provision of this section.

So a distinction is made between officers of the Army and officers and men of the National Guard.

Mr. President, what are the facts about the residence of General Crosby? I understand that there is no controversy whatever—and the Senator from Michigan will correct me if I am in error—that he was appointed to the Army from the State of Illinois and presumably was a resident of the State of Illinois at the time he entered the Army. He continued in the service of the Army until the very eve of his appointment to this place, when he was retired, evidently for the purpose of obviating any objection that he was in the military arm of the Government.

As I understand, he has been in actual, in active service in the District of Columbia upon one assignment or another, perhaps, for as much as eight years past, but does that give him the status of a resident of the District? It will be, I think, astonishing to every Member of the Senate to be told by anyone that an officer of the Army of the United States acquires the status of a resident of a State because he is stationed within that State. Moreover, it will be surprising if anyone will contend that he has the power to acquire a residence under those circumstances.

Mr. President, no man can claim a residence in a certain place when he is subject at any time to be dismissed from that place, because residence is a combination of act and intent. As an act he must actually abide there, and, in the second place, he must have the intent that that shall be his permanent home. The two things must unite in order to constitute residence, and, of course, an Army officer can have no purpose to abide permanently in the place in which he is stationed. He abides there just so long as his superior officers will permit him to remain, but then he must move on. His service is entirely at war with the idea of his acquiring a residence in the place in which he happens at the particular time to be stationed.

So, Mr. President, according to the rule that an old residence is never lost until a new residence is gained, every Army officer is supposed to be a resident of the State from which he went into the Army.

Think, Mr. President, what the consequences would be—and that is why I think this case is of the most profound importance—of attaching the status of a legal resident to an officer because he has been stationed in a place for the period of a year or two years or eight years. What does it mean? There is in my State a military post known as Fort Missoula. If an officer becomes a resident of the State of Montana because, forsooth, he has been stationed for a year or for three years at Fort Missoula, he is entitled to be registered as a voter and to vote in the elections in the State of Montana. Of course, Mr. President, if an officer acquires residence by reason of the fact that he is stationed at a certain place in the discharge of his duty, an enlisted man has exactly the same privilege and the same status; so every enlisted man who is stationed at Fort Missoula may vote in our elections in the State of Montana. What does that mean? That means that the President of the United States, being the Commander in Chief of the Army and the Navy, may locate in any State the entire Army of the United

States, enable them to acquire a residence there, and vote in the State and to control its elections. Is there anybody here who will stand for that kind of a principle?

But it is said by some that a man may choose his residence. No greater fallacy can be uttered. So pronounced is the principle that a man does not acquire a residence in a State because, as an officer of the Army of the United States, he happens to be stationed in that State, that many of the State constitutions contain an express provision with respect to that. The State of Kansas has such a provision.

Mr. President, if a man should happen to be stationed in the State from which he came when he went into the Army, he continues a resident of that State, and he may register and vote in that State; but if he came from another State he has no such status at all. I do not see the Senator from Kansas here, who spoke to us upon this subject. I thought possibly this feature might interest him.

Section 3 of article 5 of the constitution of the State of Kansas provides:

For the purpose of voting, no person shall be deemed to have acquired or lost a residence by reason of his presence or absence while employed in the service of the United States. * * * And the legislature may make provisions for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this State; but nothing herein contained shall be deemed to allow any soldier, seaman, or marine in the Regular Army or Navy of the United States the right to vote.

Under our absent voters' law we have made provision so that the officers of the Army and the enlisted men of the Army, wherever they may be all over the world, may vote in the State in which is their actual residence, the State in which they resided at the time of their entry into the service; but we can not tolerate for a moment the idea that they can acquire a residence by reason of such service. My own State has taken pains to guard against any possibly varying interpretation by making a similar provision in its constitution.

Section 3 of article 9 of the constitution of Montana provides:

For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the State, or of the United States, nor while engaged in the navigation of the waters of the State, or of the United States, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at the public expense, nor while confined in any public prison.

Mr. President, that concludes what I have to say with respect to this matter. At the very best it must be conceded that the question of whether or not a retired Army officer comes from civil life is one of doubt; and it does seem to me as though the President of the United States ought not to take a chance upon a favorable decision upon a question so doubtful as that must be conceded to be, even by those who are the advocates of the confirmation of this nomination. Moreover, it seems to me that the President of the United States in these times of all times ought not to make an appointment which could even be charged upon fair and reasonable grounds to be in violation of the statute; for if the President of the United States does not scrupulously observe the law, and the Senate of the United States does not scrupulously observe the letter of the law, how can we expect it to be observed generally by the people of our country?

I should regard this confirmation, in the face of this statute, as a most deplorable action by the Senate of the United States.

Mr. HALE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	Keyes	Simmons
Ashurst	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norbeck	Sullivan
Borah	Greene	Norris	Thomas, Idaho
Bratton	Grundy	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Townsend
Broussard	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hatfield	Pine	Vandenberg
Connally	Hayden	Pittman	Wagner
Copeland	Hebert	Ransdell	Walcott
Couzens	Hedin	Robinson, Ind.	Walsh, Mass.
Dale	Howell	Robison, Ky.	Walsh, Mont.
Dill	Johnson	Schall	Watson
Fess	Jones	Sheppard	Wheeler
Frazier	Kean	Shipstead	
George	Kendrick	Shortridge	

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, I said something about the essentials of residence under the law. I do not want to conclude this presentation without referring to some authorities to sustain the position I then took.

I find it convenient to quote from Pope against Williams, reported in Fifty-sixth Atlantic Reporter at page 544, because it recites the language of the Supreme Court of the United States in several cases.

I read as follows:

To become a citizen of the State a person must reside therein, and to entitle him to the franchise he must have resided within the State at least one year and in a district six months before the election. The mere abiding in a place within the State is not sufficient. He must "reside" there, within the meaning of the word as employed in the Constitution, and what that is seems to be entirely clear under all the decisions in this State and elsewhere. In *Mitchell v. United States* (21 Wall. 350, 22 L. Ed. 584) the Supreme Court said domicile is "a residence at a particular place, accompanied with positive or presumptive proof of an intention to remain there for an unlimited time"; and this court, in *Thomas v. Warner* (83 Md. 20, 34 Atl. 831) also said:

"The idea of residence is compounded of fact and intention; to effect a change of it there must be an actual removal to another habitation, and there must be an intention of remaining there."

In view of these authorities, which could be greatly multiplied, it requires no citation of cases to show that whenever it is proposed to establish a change of residence it is incumbent upon the party to establish by proper testimony, first, an actual removal to another habitation, and, second, that he has the intention of remaining there.

Mr. President, when General Crosby was admitted to the Army he was a resident of the State of Illinois. He was from time to time sent to other places, and abode there; but he could not possibly have had any intention of permanently remaining there, because he knew that any day he was subject to be sent somewhere else.

Mr. GEORGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I do.

Mr. GEORGE. May I suggest to the Senator that he did not come here voluntarily?

Mr. WALSH of Montana. Why, certainly not.

Mr. GEORGE. He came under orders of the military authorities.

Mr. WALSH of Montana. He was ordered to come here.

Mr. GEORGE. He did not take up his actual residence here as a voluntary act upon his part. He could not have done so.

Mr. WALSH of Montana. Exactly; he could not have done so. He was under orders. He had to go where he was told to go, and he had to stay there as long as he was told to stay there, and no longer; so it is impossible to conceive that he did have the intention of continuing permanently in any place in which he was located while he was in the Army.

Mr. KEAN. Mr. President, the distinguished Senator from Montana [Mr. WALSH] has read decision after decision of the courts which say that any soldier who is entitled to wear the uniform of the United States is a reserve officer, and therefore would come under this statute. If that is what the statute means, of course no member of the Grand Army of the Republic could have been appointed to one of these offices. No member of the Legion could be appointed to this office. Everybody who fought in the Spanish War, in the Civil War, or in the late war would be ineligible for this office.

Mr. WALSH of Montana. Mr. President, how does the Senator reach any such conclusion?

Mr. KEAN. Because they are entitled to wear the uniform of the United States. They are reserve officers and are entitled to wear the uniform of the Army of the United States. Therefore they are ineligible to this office.

Mr. President, what are the facts? Since the enactment of this law there have been four members of the Board of Commissioners of the District of Columbia appointed who have served in the Army of the United States and have held certificates as Army officers. They have been Messrs. Phelps, Morgan, Hine, and West. That is exclusive of the Engineer officers.

Mr. FESS. Mr. President, will the Senator yield?

Mr. KEAN. I yield.

Mr. FESS. I wonder whether I understood what the Senator said. Did he say that these were men identified with the Army who were appointed as commissioners?

Mr. KEAN. These men had served in the Army of the United States.

Mr. FESS. Then the suggestion or insinuation we have heard so constantly that Crosby stands alone under this law if he is confirmed is without foundation?

Mr. KEAN. They were in civil life after having served in the Army of the United States. They are on the roll of the Army.

Mr. GLASS. Mr. President, does the Senator mean to say that these gentlemen were appointed District Commissioners?

Mr. KEAN. Yes.

Mr. GLASS. What were their names?

Mr. KEAN. Their names were Phelps, Morgan, Hine, and West, and I will read their histories.

Mr. GLASS. Were they retired officers of the Army?

Mr. KEAN. They had served in the Army of the United States. Decisions have been read here to the effect that anybody who was entitled to wear the uniform of the United States was a reserve officer under the meaning of this law.

Mr. GLASS. Reserve officers are not classified by the statute as members of the United States Army. Retired officers are.

Mr. KEAN. A decision read by the distinguished Senator from Montana was to the effect that anybody who was entitled to wear the uniform of the United States was an officer of the United States.

Mr. GLASS. Mr. President, did not the Senator hear the Senator from Montana say distinctly, in response to an inquiry from the Senator from Alabama [Mr. BLACK], that reserve Army officers are not classified by the statute as Army officers?

Mr. KEAN. The Senator from Montana said distinctly that he believed that militia officers who are not in the Army of the United States, officers under the militia law, were exempt; but that was not the decision of the court which he read.

Mr. GLASS. If the Senator may find in any of the statutes of the United States, assuming to classify members of the Army of the United States, militia or reserve officers, I would be very much obliged if he would present it to the Senate.

Mr. KEAN. The Senator from Montana read it just a few minutes ago.

General West was breveted a major general on January 4, 1866, and he served as District Commissioner from July 17, 1882, to July 22, 1885.

Mr. Hine served during the Civil War, having enlisted in the Fourth Illinois Regiment.

Every one of these men was appointed commissioner of the District of Columbia by the President of the United States, every one had worn the uniform of the United States, and if the decision read by the Senator from Montana is sound, all those men were ineligible to serve on the board of commissioners here.

Mr. GEORGE. Mr. President, the distinguished Senator from New Jersey has laid great emphasis upon the fact that many prior Commissioners of the District of Columbia had at some time served in the Regular Army, and he especially emphasized the fact that when they became Commissioners of the District of Columbia they were entitled to wear the uniform.

The Senator's argument is a very clear illustration of the actual status of General Crosby. He is at liberty to take off the uniform, and therefore he is eligible to appointment as a commissioner of the District of Columbia. He may wear his uniform, but after his retirement he is, of course, at liberty to take it off, and therefore he is qualified under the law to accept appointment as one of the commissioners of the District of Columbia.

If General Crosby is qualified at all, he is only technically qualified, and by the narrowest possible margin of technicality is he brought within the provisions of the law. It must be borne in mind that a retired officer of the Regular Army is still in the actual pay of the Government. The retired pay has never been considered as in the nature of a pension, but it is simply a portion of the salary of an officer reserved against the day or time when he will become separated from the service. Nowhere in any of the legislation of the Congress or in any of the decisions of the Federal courts, as I recall, is retired pay regarded as anything other than salary, reserved or deferred salary. Therefore an officer who has reached the retirement age and who has retired not only may wear the uniform but he is subject to military discipline; he may be tried by court-martial, he may be dismissed from the Army, he may have taken away from him all of the rights and perquisites he is entitled to have as an Army officer, and he continues to receive his deferred pay, in the form of retirement pay, and, of course, he may be brought back into the Army at the command of the Commander in Chief of the Army in any emergency.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. VANDENBERG. Did I understand the Senator to say that the courts had never undertaken to classify retired pay to be in the nature of a pension?

Mr. GEORGE. I said that, so far as I recollect, in all congressional acts and in all of the court decisions passing upon the question, retired pay has been regarded as deferred salary.

Mr. VANDENBERG. Of course, I would not undertake to carry on a legal discussion with my distinguished friend, but I would like to quote to him one paragraph from the opinion of the Attorney General, reading as follows:

In *People v. Duane* (121 N. Y. 367) the question was whether, under a State statute, a retired Army officer of the United States could hold a civil office. The court analyzed at length the status of retired officers and holds that while in retirement they are in fact pensioners and exercise no functions of a military office.

Mr. GEORGE. Mr. President, that is a State court decision.

Mr. VANDENBERG. That is correct.

Mr. GEORGE. Other State courts have held directly to the contrary, and I believe they have expressed the better view upon that question.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to my colleague.

Mr. HARRIS. I call the attention of my colleague to the fact that retired officers may be put on active duty at any time, and there are at this time a number of them on active duty.

Mr. GEORGE. That is a fact, of course.

Now we come to the facts of this case. It may be true that General Crosby is not an officer of the Army in the sense that would technically disqualify him, but it is of interest to note that in the Congressional Directory of January 1 of this year, Maj. Gen. Herbert D. Crosby is classified as an Army officer, Chief of the Cavalry, and he was, in fact, Chief of the Cavalry until a very few days before he was appointed to this civil office.

What was the unquestioned purpose of the act requiring the appointment of two men from civil life, who, with one Army engineer, would compose the Board of Commissioners for the District of Columbia?

First, Congress wished, of course, to get away from government by strangers. It wanted to give to the District a government by those who at least were identified with the District.

Secondly, it wanted to get away from military government, not military government merely in the sense that the officers were at the same time officers on active duty in a military arm of the Government, but to get away from military government in its true sense, in the sense in which that expression is ordinarily taken, as it is generally understood by the ordinary citizen.

Not only is that true, but, as the Senator from Montana has pointed out, the very language of the act itself emphasizes that thought. There is to be one commissioner taken from the Army, taken out of actual service in the Army. He is to be an engineer. The majority of the commissioners must come from civil life. The thought is to separate them from the military service, to give to the District a set of civil officers for the administration of the affairs of the District. And why not?

If we take two officers of the Army, one just retired from actual service and another then in active service, and put them in control of the District, in which the President resides, in which the Commander in Chief of the Army resides during his official term, you will bring the District under military government to all intents and purposes.

It may be desirable to do that upon occasion. It may be that General Crosby will fit ideally into the present situation. It may be that he will make a most acceptable officer. But that is not the question. As long as the act remains as it is, the most that can be said is that General Crosby is technically within the law, but no one can deny that his appointment is directly against the spirit of the law. Is that the attitude that ought to be assumed by the Senate? Ought the Senate to accept an appointment which may not technically, by refined reasoning, offend against the law, when certainly the whole spirit of the law is violated by the appointment of General Crosby? Bear in mind that one of the commissioners is to be an Army officer on active duty and two are to be named from civil life; but that is not all:

The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States and shall have been actual residents of the District of Columbia for three years next before their appointment.

When did General Crosby acquire a legal residence in the District? When was it legally possible for him to acquire a residence in the District? Up until, possibly, 10 or 15 days before his appointment he had been an officer in the Army

of the United States. He was compelled to go wherever his superior officer directed him to go. He could not choose his residence at will. He could not reject it at will. He could not select it at all.

If to-morrow the President should call him back into the active service, he would be compelled to abandon his residence in the District of Columbia and go wherever the President might direct him to go. He has no residence at this hour that he can retain at will one moment after he is brought back into active service. Was he a bona fide resident of the District of Columbia for three years prior to his appointment? The very question answers itself. From the time he took the oath of office up until the hour of his retirement from active service he had to take up his domicile, not at his own will and volition but at the command of his superior officer. He had to yield obedience to the law.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. GEORGE. I yield.

Mr. CARAWAY. Does the act require residence or citizenship?

Mr. GEORGE. Residence.

Mr. CARAWAY. A man may reside where he is not a citizen. An Army officer resides somewhere, and so if he resided in the District he has complied with that part of the act.

Mr. GEORGE. I do not think so.

Mr. CARAWAY. Wherever he stays, there he resides.

Mr. GEORGE. He resides there temporarily, but that is not necessarily his residence.

Mr. CARAWAY. But there is a difference between citizenship and residence.

Mr. GEORGE. Yes; I am aware of that.

Mr. CARAWAY. He resides where he is.

Mr. GEORGE. Yes, but he may reside there temporarily.

Mr. CARAWAY. Of course. That is admitted.

Mr. GEORGE. He may have no intent to take up his residence in the particular place of his domicile.

Mr. CARAWAY. And the act does not so specify.

Mr. GEORGE. But he must be a resident. I think that "residence" within the meaning of the statute—

Mr. CARAWAY. Does the Senator think it is equivalent to citizenship?

Mr. GEORGE. Oh, no; not necessarily equivalent to citizenship, citizenship within the District may not be easily defined, but there must be not only an actual residence, but an intent to make this his residence.

Mr. CARAWAY. I differ with the Senator on that point, because if it is the intent to make it his residence, then he fixes his citizenship. Wherever he resides, there he resides. He may retain his citizenship at some other place, but if he intends to make that place his residence, then he transfers his citizenship to it.

Mr. GLASS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. I yield.

Mr. GLASS. Unhappily I have been a resident of Washington City since the President called the extraordinary session of Congress last spring; but it does not seem to me that that would make me eligible for appointment as a Commissioner of the District of Columbia.

Mr. CARAWAY. Of course not. Was the Senator directing that suggestion to me?

Mr. GLASS. The Senator seemed to assume that a man is an actual resident of a place simply because he resides there.

Mr. CARAWAY. I take it for granted that an Army officer is an actual resident of the place where he is, because he can not fix his citizenship. He must have residence, however.

Mr. GLASS. He is required to be an actual resident of the District for three years prior to the time of his appointment as commissioner.

Mr. CARAWAY. If he has been stationed here for three years and has no citizenship elsewhere, then he is an actual resident of the District.

Mr. GEORGE. But he has a citizenship elsewhere. He has declared his citizenship in the State in which he lived at the time he entered the service.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. I should like to inquire of the Senator from Arkansas whether it is his view that an Army officer stationed in the State of Arkansas for one year becomes a resident of that State?

Mr. CARAWAY. He is a resident but not a citizen.

Mr. WALSH of Montana. The Constitution of the United States provides that every person naturalized or born in the United States is a citizen of the State in which he resides.

Mr. CARAWAY. Wherever he fixes his residence, but an Army officer acquires no citizenship wherever he may be taken. He can not acquire a voting status by being temporarily assigned to some place. So if he has any residence at all, it seems to me that he resides where he is stationed.

Mr. WALSH of Montana. Then, if he resides where he is stationed, and the Constitution gives to all residents of the State for a certain period the right to vote, he has the right to vote in that State.

Mr. CARAWAY. No; because he is particularly forbidden to acquire a voting residence. If the mere fact of residence did not give a right to vote, there would have been no occasion for the statute to which the Senator has referred.

Mr. WALSH of Montana. I do not know of any statute which speaks of a voting residence. The State constitutions usually provide that one who is a citizen of the United States and resides within the State for a period of one year, or other period of time, has the right to vote.

Mr. CARAWAY. He may have the right, and he may not. He may not have the other qualifications; but it is specifically provided that an Army officer does not acquire that status. If it were not for that statute, he would acquire that right; and he is prevented from acquiring that right by statute, which shows that otherwise he would acquire it.

Mr. WALSH of Montana. I think that is the plainly declared law.

Mr. HARRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to his colleague?

Mr. GEORGE. I yield.

Mr. HARRIS. I do not like to venture a suggestion to such able lawyers as those who have been discussing the question, but the facts appear to me to be these: There are certain States that do allow Army officers and soldiers located there temporarily to vote. When an Army officer retires from the Army he is allowed a certain time to choose his residence. He can select California or Georgia or Maine and the Government pays him the mileage to that chosen residence. There are Army officers to my knowledge who live all over the world, but who have their voting places at certain towns or cities. In Georgia I happen to know of officers who have been there but very little in the years gone by, but who have their voting residence there.

Mr. CARAWAY. They acquired it prior to the time of locating in Georgia, or else Georgia has a statute that is entirely different from any that I have examined. The Senator's very declaration sheds light upon it that some statutes permit them to vote wherever they stay a year, which then does recognize their right to residence within the State for that purpose. Where there is no statute against their acquiring residence by station, I think then they would acquire it. Most States by statute provide that they do not acquire a voting residence by reason of being stationed there.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. GEORGE. I yield.

Mr. McKELLAR. With reference to the matter of salary, the Senator from Georgia will recall that the Army officer commissioner does not get any salary at all from the District. He merely gets his pay as an Army officer; but the two civilian commissioners are given \$5,000 a year each. It seems to me that it was the clear intention that at least two of these men should be civilians; otherwise if it had been the intention of Congress to permit another Army officer or retired Army officer to hold the office, something would have been said about salary. In this particular case we will have an Army officer drawing his salary as an Army officer, but receiving no pay from the District. One of the resident commissioners will be receiving \$5,000 from the District and the other will be receiving \$5,000 from the District and \$6,000 retired pay from the Federal Government as an Army officer. It seems to me that it never was the intention, from the facts relating to salary alone, that an Army officer should be eligible for this place.

Mr. GEORGE. Mr. President, coming back to the question raised by the able Senator from Arkansas, I do not agree with his view if he means all that he implied. It is true that whenever a man actually resides overnight or over the week-end or during a month or a year, is in a loose sense his residence, but it is not his legal residence. When a legal residence has once been acquired, it takes both an act coupled with an intent to change it. When General Crosby went into the Army he was a citizen of Illinois.

Mr. CARAWAY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. GEORGE. I yield.

Mr. CARAWAY. A man may abandon his citizenship in a minute. He can cross the State line and say, "I never expect to live in that State again" and thus lose his citizenship, because citizenship is always a question of intent, while residence is always a question of fact.

Mr. GEORGE. I do not agree with the Senator's first position. If so, all of the several prisoners who are in Sing Sing are residing at Sing Sing. In a sense they are domiciled there because they are there in fact, but they have not lost their legal residence in the respective counties and cities of the State from which they came.

Mr. CARAWAY. If a man living and domiciled in Georgia was to move to Alabama to-morrow with the intent to make Alabama his home, and then should come back to Georgia on Saturday, he would not be an eligible voter in Georgia.

Mr. GEORGE. Oh, I think he would if he had not, in fact, taken up his residence in Alabama.

Mr. CARAWAY. The Senator thinks he would be?

Mr. GEORGE. Yes; if I understood the Senator's question. The Senator is talking about citizenship. I am talking about residence.

Mr. CARAWAY. I know; but the Senator coupled both of his statements together and said that citizenship could not be abandoned in a day.

Mr. GEORGE. Oh, no; I did not say that. I am not discussing citizenship at all.

Mr. CARAWAY. I think the Senator did not quite understand me.

Mr. GEORGE. No; apparently, I did not. I am discussing residence, and I say again that, while there may be actual domicile, a legal residence results not alone from the act of being in a place, but from the intent to adopt that place as one's residence. There is nothing better settled in the law than that, whenever a legal residence has once been acquired, it can not be lost until there is actual removal therefrom coupled with the intent to reside elsewhere. A man can not escape the jurisdiction of the court when once he has become subject thereto by merely physically removing himself beyond the territorial jurisdiction of the court. He must not only move, but he must intend to make some other place his home, and it must be a fixed place so that some other court may acquire jurisdiction.

So, residence in the sense of the statute, is the act of actually residing within the district, coupled with the intent to reside therein. As the Senator pointed out, of course, there is a distinction between domicile and residence. There is a distinction between residence and citizenship. But the mere act of physically residing in a given place, when the will of the person is not consulted about where he resides, can never confer a legal residence nor can it lose a prior legal residence established under the law.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. GEORGE. I yield.

Mr. CARAWAY. The senior Senator from Georgia [Mr. HARRIS] made a statement about the matter. I am not familiar with the statute of Georgia. He said that an Army officer stationed in Georgia for a long time might vote there.

Mr. HARRIS. Oh, the Senator misunderstood me. I said in certain States that is allowed.

Mr. CARAWAY. In certain States that is considered a legal residence.

Mr. HARRIS. An Army officer who is a citizen of Georgia and has a residence there can cast his vote there at any time.

Mr. CARAWAY. Of course, wherever he has established citizenship he can vote; that is elementary.

Mr. HARRIS. An officer whose residence is in Georgia or any other State on his retirement from the Army has the right to say where his residence is, and he is allowed pay and travel allowances to that place.

Mr. CARAWAY. Of course, but that does not make him a citizen. He may choose to become a citizen of California, although he may never have lived in California. That is merely an incident of his service.

If the Senator from Georgia will pardon me further—and I will be brief and I apologize to him for interrupting him further—when Congress enacted the statute it had in mind that a military officer was to be eligible for one of the places on the Board of District Commissioners. In that case residence in the District was not required. It was provided that the other two commissioners also must have a residence in the District. If Congress had intended to provide that the other two commis-

sioners must have a residence here and nowhere else, does not the Senator think that Congress would have so expressly stated?

As I now recall, during President Wilson's first administration Mr. Brownlow, of Tennessee, was appointed as District commissioner.

Mr. McKELLAR. Mr. Brownlow was appointed a District commissioner.

Mr. CARAWAY. I think he was also a citizen of Tennessee, was he not?

Mr. McKELLAR. I think not; he had lived in the District for a number of years.

Mr. CARAWAY. I know he had lived here for a number of years, but I do not think he had lost his residence in Tennessee; he was accredited to Tennessee, although he resided for some years in the District of Columbia.

Mr. GEORGE. In some States it may be true that actual domicile within the State is considered sufficient to establish residence, but it must also be borne in mind that consideration must be given to the construction placed upon the State statutes by the courts of the State. In other States there is required more than actual residence, more than the fact of the physical presence of the person within the State; and I think the better view is that legal residence is the actual residing at some fixed place, coupled with the intent to reside there. I think that constitutes legal residence.

Mr. CARAWAY. Such an intent would be necessary in order to constitute citizenship residence, but a man may reside in England for some years and yet be eligible to become President of the United States.

Mr. GEORGE. Undoubtedly, if he had no intent to change his residence.

Mr. CARAWAY. In the District of Columbia there need be no consideration of intent one way or the other. That is where the District of Columbia differs from the States, because acquiring citizenship here in the sense that one can vote is not possible.

Mr. GEORGE. I understand that.

Mr. CARAWAY. Therefore, anyone who remains here the requisite length of time is a resident of the District of Columbia. He is a resident the day he gets here; he has as much right the day after he arrives here as after he has been living here for 50 years, from the legal standpoint.

Mr. DILL. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from Washington.

Mr. DILL. I think the Senator from Arkansas has put his finger on the real trouble in connection with the difference in viewpoints. We know that the statutes requiring that a man shall be an actual resident of a State have been interpreted to mean that a man may actually live in the District of Columbia for a number of years, but if he claims citizenship in the State from which he came he is still an actual resident of that State, because there is where he claims the right to vote. When it comes to the District of Columbia, however, a man can not vote, and, consequently, confusion arises as to what is meant by "actual residence." That is why I think we have this confusion of viewpoints.

Mr. GEORGE. Mr. President, I did not intend to hold the floor, but the interruptions—which, of course, have been welcomed—have kept me on my feet.

What I mean to say, Mr. President, is that General Crosby had a legal residence somewhere when he went into the Army, and never from that day until the day of his retirement was he a free agent to change his legal residence, because legal residence, within the meaning of the law in question, is not only the act of moving to the District, but it must be also coupled with the intent to take up residence here. General Crosby did not come here voluntarily; he came in obedience to an order from his superior officer in the Army; he served in the Army as an officer of the Army; he was not free to say, "I am a resident of this District and expect to maintain my residence here," because he did not know at what hour or what day he would be ordered to some other jurisdiction; he did not know at what time he might be ordered even beyond the confines of the United States itself. Therefore he did not take up legal residence here, as I think, because he could not take up legal residence unless he were a free agent coming voluntarily to the District for the purpose of residing in the District. He came to the District under an order; he came here and obeyed that order by remaining here, as it happened, until the date of his retirement.

Mr. President, I do not think that he has been an actual resident of the District for the period of three years prior to his appointment within the meaning of the act creating the commissioners. I do not think that it was intended that a person who had actually spent some time here, so far as residence is concerned, was qualified to be made a commissioner of the

District. As I understand, when legal residence is established anywhere—and the law favors the fixing of residence; it fixes it for the child even before he has reached the age of volition—fixes it somewhere—when once it is fixed it requires both an act of removal and an intent to take up residence elsewhere, not confusing residence with domicile or citizenship.

I am perfectly willing to admit that in some States it is said loosely that residence is where the person actually resides, but one does not shake off the jurisdiction of a State unless he actually goes outside of the State, takes up another abode, and intends to make it his residence. So one does not acquire a legal residence unless he has voluntarily and actually selected a place as his legal residence; and in the true meaning of the term I do not think that General Crosby can be said to be a legal resident of the District.

Mr. DILL and Mr. HALE addressed the Chair.

The VICE PRESIDENT. The Senator from Washington is recognized.

Mr. HALE. Mr. President, will the Senator yield to me for just a brief statement?

Mr. DILL. I wish to make a brief statement myself. I gave up the floor once to-day, and I have never had it since. When I secured the floor early to-day I had intended at the time to make some remarks about the World Court in connection with the result of the primary in Illinois. I yielded the floor because of the question now under consideration coming up. The topic I had in mind did not seem to be a proper subject to discuss in executive session. The pending debate has gone on so long that I want to give notice now that to-morrow morning, as soon as I can secure recognition of the Chair, I shall discuss at that time the subject to which I have referred.

Mr. HALE. Mr. President, the act of July 31, 1894, provides that—

No person who holds an office, the salary or annual compensation attached to which amounts to the sum of \$2,500, shall be appointed to or hold any other office to which compensation is attached, unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or the Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate.

If there were no other legislation affecting the appointment of commissioners of the District, the appointment of General Crosby would be entirely in order under that provision of law. However, the act of 1878, providing a permanent form of government for the District of Columbia, prescribes that two of the commissioners shall be appointed from civil life. Therefore, in order to make General Crosby eligible for appointment, it must be found that he comes from civil life.

My understanding is that the Attorney General has ruled that an officer of the Army who retires from the Army thereby ceases to be an officer of the Army and becomes a civilian. Mr. President, to that opinion I can not subscribe; and, therefore, while I have the highest regard for the character and ability of General Crosby, and while I believe that he would make an excellent commissioner, I must register my protest by voting against his confirmation.

Mr. HARRIS. Mr. President, it is never a pleasant duty to vote against the nomination of anyone whose name has been sent here by the President. I have a very high regard for General Crosby; I think he is one of the ablest men who could have been selected for the position of District commissioner; I do not believe there could be found a better man for the place in the District or outside of it, and I came here to-day expecting to vote for his confirmation. However, after hearing the legal arguments presented by different Senators on both sides I can not support the nomination of General Crosby, because I do not think his appointment would be legal.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). The question is, Will the Senate advise and consent to the nomination of Herbert B. Crosby to be commissioner of the District of Columbia?

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. COPELAND. Mr. President, I think we are ready to vote, but I suggest the absence of a quorum.

Mr. VANDENBERG. Will not the Senator withdraw the suggestion? A quorum will be developed by the roll call.

Mr. COPELAND. Very well.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON]. I understand that if he were present he would vote "nay." I transfer that pair

to the Senator from Delaware [Mr. HASTINGS] and will vote. I vote "yea."

Mr. TRAMMELL (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is unavoidably absent on account of illness. I understand that if he were present he would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote, I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and will vote. I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the junior Senator from Oklahoma [Mr. THOMAS] and will vote. I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Missouri [Mr. HAWES];

The Senator from Minnesota [Mr. SCHALL] with the Senator from Tennessee [Mr. BROCK];

The Senator from Maine [Mr. GOULD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from California [Mr. JOHNSON] with the Senator from Mississippi [Mr. HARRISON];

The Senator from South Dakota [Mr. MCMASTER] with the Senator from Florida [Mr. FLETCHER];

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from New Mexico [Mr. CUTTING] with the Senator from Maryland [Mr. TYDINGS].

Mr. SHEPPARD. I desire to announce that the Senator from South Carolina [Mr. BLEASE] is absent on account of illness in his family. If present, he would vote "yea."

I also desire to announce the general pair of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are absent in attendance upon the London Naval Conference.

I also desire to announce that the Senator from Louisiana [Mr. RANDELL] and the Senator from Kentucky [Mr. BARKLEY] are necessarily detained on official business, and that the Senator from Mississippi [Mr. HARRISON] is necessarily detained on business of the Senate as a conferee on the tariff bill.

The result was announced—yeas 43, nays 24, as follows:

YEAS—43

Allen	Glenn	Keyes	Shortridge
Ashurst	Goff	McCulloch	Smoot
Baird	Goldsborough	McNary	Steiner
Bingham	Greene	Metcalf	Sullivan
Brookhart	Hatfield	Norbeck	Thomas, Idaho
Capper	Hayden	Nye	Townsend
Caraway	Hebert	Oddie	Vandenberg
Couzens	Howell	Phipps	Walcott
Dale	Jones	Robinson, Ind.	Walsh, Mass.
Fess	Kean	Robison, Ky.	Watson
Gillett	Kendrick	Shipstead	

NAYS—24

Black	Dill	Heflin	Simmons
Blaine	Frazier	McKellar	Steck
Borah	George	Norris	Stephens
Broussard	Glass	Overman	Trammell
Connally	Hale	Pittman	Walsh, Mont.
Copeland	Harris	Sheppard	Wheeler

NOT VOTING—29

Barkley	Grundy	Moses	Swanson
Bleas	Harrison	Patterson	Thomas, Okla.
Bratton	Hastings	Pine	Tydings
Brock	Hawes	Ransdell	Wagner
Cutting	Johnson	Reed	Waterman
Deneen	King	Robinson, Ark.	
Fletcher	La Follette	Schall	
Gould	McMaster	Smith	

So the Senate advised and consented to the nomination of Herbert B. Crosby to be Commissioner of the District of Columbia.

The VICE PRESIDENT. The President will be notified.

NOMINATIONS IN THE POSTAL SERVICE

The Chief Clerk proceeded to announce the nominations of sundry postmasters.

Mr. PHIPPS. I ask that the nominations of postmasters be confirmed en bloc, and the President be notified.

The VICE PRESIDENT. Is there objection? The Chair hears none.

EXECUTIVE REPORTS

Mr. BORAH, from the Committee on Foreign Relations, reported sundry nominations in the Diplomatic and Foreign Service, which were placed on the Executive Calendar.

He also, from the same committee, reported a convention (Executive EE, 70th Cong., 2d sess.) on the rights and duties of states in the event of civil strife, adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928, and a convention (Executive HH, 70th Cong., 2d sess.) regarding the status of aliens, adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928; which were placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

LEGISLATIVE SESSION

Mr. McNARY. I move that the Senate return to legislative business.

The motion was agreed to; and the Senate resumed legislative business.

DELEGATION OF THE POWER TO EMPLOY IN THE FIELD SERVICES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting draft of a proposed amendment to section 169 of the Revised Statutes (U. S. C., title 5, sec. 43), for the purpose of authorizing the head of any department to delegate to subordinates, under such regulations as he may prescribe, the power to employ persons for duty in the field services of his department, which, with the accompanying papers, was referred to the Committee on the Judiciary.

NATIONAL COUNCIL FOR THE PREVENTION OF WAR

The VICE PRESIDENT laid before the Senate a communication from Mardy Holmes, of Chicago, Ill., relative to the reported activities of a representative of the National Council for the Prevention of War at the London Naval Conference, which was referred to the Committee on Foreign Relations.

REPORT OF THE BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate the annual report of the Boy Scouts of America, which was referred to the Committee on Education and Labor.

PETITIONS AND MEMORIALS

Mr. BLAINE presented resolutions adopted by the county board of Kewaunee County, Wis., favoring the passage of such legislation as will tend to curb or prohibit chain banking, which were referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the social-problems class of Cudahy High School, at Cudahy, Wis., favoring the ratification of the proposed World Court protocol, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the common councils of the cities of Watertown and West Allis, Wis., favoring the passage of legislation designating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which were referred to the Committee on the Library.

He also presented resolutions adopted by Aerie No. 359, of Rhinelander, and Aerie No. 1642, of Berlin, both of the Fraternal Order of Eagles, in the State of Wisconsin, favoring the making of an appropriation to assist the States in the matter of an old-age pension system, which were referred to the Committee on Pensions.

He also presented petitions numerously signed by sundry citizens of the States of Wisconsin and Pennsylvania, praying for the repeal of the eighteenth amendment to the Constitution pertaining to the manufacture, sale, or transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

PATENTS FOR DISCOVERIES IN FRUITS AND FLOWERS

Mr. TOWNSEND presented telegrams from Thomas A. Edison and Mrs. Luther Burbank, favoring the passage of the bill (S. 4015) to provide for plant patents, which were referred to the Committee on Patents and ordered to be printed in the RECORD, as follows:

FORT MYERS, FLA., February 26, 1930.

Senator JOHN G. TOWNSEND, Jr.:

Nothing that Congress could do to help farming would be of greater value and permanence than to give to the plant breeder the same status as the mechanical and chemical inventors now have through the patent law. There are but few plant breeders. This will, I feel sure, give us many Burbanks.

THOMAS A. EDISON.

SANTA ROSA, CALIF., April 8, 1930.

Senator JOHN TOWNSEND, Jr.:

Informed that Congress is considering bill to protect, through patent machinery, the rights of plant breeders and experimenters to a share in the commercial returns of their discoveries in fruits and flowers, I hasten to acquaint you with Luther Burbank's very strong feeling in this connection. He said repeatedly that until Government made some such provision the incentive to creative work with plants was slight, and independent research and breeding would be discouraged to the great detriment of horticulture. Mr. Burbank would have been unable to do what he did with plants had it not been for royalties from his writings and from other by-product lines of activity, but it must be remembered that most plant breeders and experimenters do not reach post where any such revenues are available to them until too late in their lives to help them in financing their extremely expensive work. If Mr. Burbank were living, I know he would be in the forefront of the campaign to secure protection for other devoted men giving their lives to this service to mankind.

Mrs. LUTHER BURBANK.

GOLD-STAR MOTHERS

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the Boston Post of the 7th instant, suggesting an amendment to the law providing for the pilgrimage of gold-star mothers to Europe. The Military Affairs Committee has pending before it several suggested amendments, and this editorial also contains a suggested amendment. I ask that the editorial may be considered in the nature of a petition and be referred to the Military Affairs Committee.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the editorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

[Editorial from the Boston Post, April 7, 1930]

BE FAIR TO THE MOTHERS

It is very evident that serious difficulties have arisen in connection with the tours of the gold-star mothers to France. The first party of slightly more than 500 is scheduled to leave New York in May. Already nearly a third of the mothers assigned to the initial pilgrimage have withdrawn. Other cancellations are coming in daily.

The practical objections to a project conceived in a mood of generous sentiment are now becoming apparent. To many of the mothers who have never been away from home in their lives the long trip overseas to strange countries is too much of an adventure at an advanced age. The problem of suitable clothing for shipboard, railway travel, and hotel life is an expensive one. Although the Government pays all traveling expenses, there are bound to be rather sizable incidental expenses which must be met from the pilgrim's private purse.

It is, therefore, apparent that the poorest of the mothers, the very ones to whom the generosity of the Government should be extended in fullest measure, are virtually barred from going to the graves of their sons in France. The mother of a family struggling in poverty is bound to her home by very practical considerations, and few of them are able to leave their cares behind them, even for a journey so close to their hearts.

What the Government can do, as the Post has urged before, is to give the mothers who are unable to make the trip the actual cost to the Government of an individual passage. This is figured at about \$850. This amount would be a blessing to hundreds of them. Each gold-star mother whose son is buried in France is entitled to have \$850 spent in her behalf by the Government. If she can not go, it is only fair and reasonable to pay her what the trip costs the Government. Enough money is already appropriated to make this possible.

Unless this is done the women to benefit from this legislation will be the ones whose circumstances give them the leisure, the money, and the good health to make the pilgrimage, while the others, barred by extreme poverty, household cares, or poor health, will receive no consideration.

We appeal to Congress to remedy this manifest unfairness by directing the payment in cash of the cost of the trip to the mothers unable to take part in the pilgrimage.

REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, reported it without amendment and submitted a report (No. 369) thereon.

He also, from the Committee on Appropriations, to which was referred the bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes, reported it with amendments and submitted a report (No. 371) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9562) to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs

Reserve on the Shoshone or Wind River Indian Reservation, Wyo., reported it without amendment and submitted a report (No. 370) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 4120) for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.); to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 4121) granting compensation to Abigail R. Bailey; to the Committee on Claims.

By Mr. GREENE:

A bill (S. 4122) granting an increase of pension to Sarah J. Ravlin; to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 4123) to provide for the aiding of farmers in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Idaho:

A bill (S. 4124) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and twenty-fifth anniversary of the expedition of Capt. Meriwether Lewis and Capt. William Clark; to the Committee on Banking and Currency.

By Mr. BRATTON:

A bill (S. 4125) granting an increase of pension to Sarah E. Roberts; to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 4126) to amend subdivision (b) of section 1 of the act of March 4, 1929, entitled "An act making it a felony, with penalty, for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929; to the Committee on Immigration.

By Mr. STEPHENS:

A bill (S. 4127) granting a pension to Hobart A. Smith; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 4128) to amend section 118 of the Criminal Code; to the Committee on the Judiciary.

Mr. CARAWAY. I introduce a bill to prevent the sale of cotton and grain in future markets, incorporating an amendment in a former bill introduced by me (S. 369).

By Mr. CARAWAY:

A bill (S. 4129) to prevent the sale of cotton and grain in future markets; to the Committee on Agriculture and Forestry.

By Mr. GRUNDY:

A bill (S. 4130) granting a pension to Arthur Edwards (with accompanying papers); and

A bill (S. 4131) granting an increase of pension to Henrietta Trate (with accompanying papers); to the Committee on Pensions.

EXECUTIVE MESSAGES AND APPROVALS

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On April 3, 1930:

S. 3168. An act to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," by adding thereto two new sections, to be numbered sections 8 and 9.

On April 4, 1930:

S. 2515. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS (H. DOC. NO. 340)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads for the calendar year 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 9, 1930.

(NOTE.—Report accompanied similar message to the House of Representatives.)

PRESERVATION OF SCENIC BEAUTY OF NIAGARA FALLS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Foreign Relations:

To the Senate:

I transmit for the information of the Senate in connection with its consideration of the convention between the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, for the preservation and improvement of the scenic beauty of the Niagara Falls and rapids, signed at Ottawa on January 2, 1929 (Senate Executive U, 70th Cong., 2d sess.), the final report of the Special International Niagara Board, together with an accompanying report from the Acting Secretary of State and its inclosed copy of a letter from the Secretary of War.

The attention of the Senate is invited to the hope expressed by the Secretary of War that the valuable studies contained in the report may be preserved and made available for future studies by publication as a public document.

HERBERT HOOVER.

THE WHITE HOUSE, April 9, 1930.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages making nominations, which were referred to the appropriate committees.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7960) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had passed the bill (S. 3714) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8960) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHREVE, Mr. TINKHAM, Mr. ACKERMAN, Mr. BACON, Mr. OLIVER of Alabama, and Mr. GRIFFIN were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 2763. An act authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more, but not to exceed three, toll or free bridges across the Missouri River;

S. 3448. An act to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes";

S. 3487. An act to provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the Forest Products Laboratory, and for other purposes;

H. R. 155. An act providing compensation to the Crow Indians for Custer Battle Field National Cemetery, and for other purposes;

H. R. 564. An act for the relief of Josephine Laforge (Sage Woman);

H. R. 565. An act for the relief of Clarence L. Stevens;

H. R. 2029. An act to authorize the coinage of silver 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase;

H. R. 2331. An act for the relief of Leonard T. Newton;

H. R. 2825. An act to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Stones River, Tenn.," approved March 3, 1927;

H. R. 3097. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 3098. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 3100. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;

H. R. 3101. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;

H. R. 3104. An act for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy;

H. R. 3105. An act for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy;

H. R. 3107. An act for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy;

H. R. 3108. An act for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy;

H. R. 3109. An act for the relief of Capt. William L. F. Simon-pietri, Supply Corps, United States Navy;

H. R. 3110. An act for the relief of Capt. John H. Merriam, Supply Corps, United States Navy;

H. R. 3112. An act for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy;

H. R. 4055. An act to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material;

H. R. 4289. An act to approve act No. 55 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii";

H. R. 5693. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to compensation granted to members of the Coast Guard;

H. R. 6119. An act for the relief of the Gray Artesian Well Co.;

H. R. 6131. An act authorizing the Secretary of the Interior to erect a marker or tablet on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles;

H. R. 7391. An act that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission);

H. R. 7701. An act to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia;

H. R. 7830. An act to amend section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 7855. An act for the relief of Carl Stanley Sloan, minor Flathead allottee;

H. R. 7960. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 7984. An act to approve act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the district of Hanalei, island and county of Kauai";

H. R. 8143. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near Pocahontas, Ark.;

H. R. 8294. An act to amend the act of Congress approved June 28, 1921 (42 Stats. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery and about Pearl Harbor, Territory of Hawaii";

H. R. 8559. An act to authorize the incorporated town of Cordova, Alaska, to issue bonds for the construction of a trunk sewer system and a bulkhead or retaining wall, and for other purposes;

H. R. 9046. An act to amend the fourth paragraph of section 13 of the Federal reserve act, as amended;

H. R. 9306. An act to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.;

H. R. 9894. An act to discontinue the coinage of the two and one-half dollar gold piece;

H. R. 9988. An act granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Red House, N. Y.;

H. R. 10076. An act to amend sections 476, 482, and 4934 of the Revised Statutes, sections 1 and 14 of the trade-mark act of February 20, 1905, as amended, and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes;

H. R. 10653. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce, a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927;

S. J. Res. 151. Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado;

H. J. Res. 195. Joint resolution authorizing and requesting the President to invite representatives of the governments of the countries, members of the Pan American Union to attend an Inter-American Conference on Agriculture, Forestry, and Animal Industry, and providing for the expenses of such meeting;

H. J. Res. 197. Joint resolution to authorize the purchase of a motor lifeboat, with its equipment and necessary spare parts, from foreign life-saving services; and

H. J. Res. 227. Joint resolution authorizing the erection of a Federal reserve branch building in the city of Pittsburgh, Pa.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8960) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. HALE, Mr. KEYES, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

AMERICA IN WORLD WAR—ARTICLE BY B. M. BARUCH

Mr. HARRISON. Mr. President, I ask unanimous consent that an article appearing in the Saturday Evening Post of April 5, this year, written by Hon. Bernard M. Baruch, may be incorporated in the RECORD. The title of the article is "A Few Kind Words for Uncle Sam." No man in America is in a finer position to write or speak upon the subject matter which Mr. Baruch discusses in this article. He was one of President Wilson's closest friends and chief advisers throughout Mr. Wilson's term as President. He filled important stations in the conduct of the war, and throughout the reconstruction period following the war. His viewpoint is most interesting, and ought to be preserved in the public records of the country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FEW KIND WORDS FOR UNCLE SAM

By Bernard M. Baruch

As to inter-Ally debts to America, many, like myself, feel that loans which the Allies used for direct military operations should have been called a contribution to a common cause, and so forgiven. Some—critics abroad and apologists here—understand neither the spirit in which we entered the war nor our plans and effort to prosecute it. They insist that we should write off the whole debt in recognition of what they call the tardiness and unimportance of our effort. Finally, there are those who, hearing claim and counterclaim, may feel discomfort in the absence of certain knowledge of just what we did contribute to the conclusion of the war. This narrative is written for the benefit of all three classes.

There was a period when we had no armies to send and only our dollars went to our allies' aid—literally to be burned up or otherwise expended for military purposes in the form of explosives, shells, guns, military transport, and like munitions. These things were hurled at a common enemy—whether by American or allied hands seems unimportant. Because of this unimportance, I have never been able to distinguish our own later expenditure for these things from the outlay thus made by our associates out of money advanced by us, except, perhaps, the legalistic distinction that payment is "so nominated in the bond." The latter phrase was the essential brief of Shylock's fatal lawsuit, and it has given rise to a rather common European comparison of us with that sour financier of Venice—not as to debts for munitions alone but also on the whole foreign loan.

In Europe, and even at home, we frequently hear this broad indictment. There is much talk of balancing burdens, with a clear implication that—relatively, at least—the war was a small matter with us; that it was our war from the first; that, in addition to escaping the heat and

burden of the day, we somehow profited even while we were in the war, and vastly since; and, therefore, that it would be no less than fair for us to set the whole debt aside and forget it, as a tale that is told.

In outpouring of blood and agony of spirit the Allies' ordeal was many times more bitter than our own. For three terrible years they held in check an enemy that later became our common foe. All this we shall ever remember and respect, but to say that it makes the spirit and the letter of our effort matter for apology, or, even worse, for fiscal offset, carries an unpleasant suggestion that we did less than we ought to have done in the face of the enemy.

Having had contemporary knowledge of the circumstance of incurance of these debts, and even some personal responsibility for what we did and stood ready to do in prosecution of the war, I know that if the facts can be adequately marshaled we shall find much comfort in the array and may even hear less of Shylock from our friends across the sea.

The sinews of war are five—men, money, materials, maintenance (food), and morale. As we were coming into the conflict, both allied strategy and these elements of allied strength were failing fast. The Central Powers, which in 1915 had been almost completely ringed by a hedge of hostile steel, were systematically clearing three quadrants of the circle, with the declared purpose of an overwhelming and conclusive concentration on the western front in 1918. The Gallipoli attempt had failed. The allied effort to create new and decisive fronts in the Balkans and the Near East promised nothing. On the other hand, Mackensen had erased the Rumanian Army from the battle maps. Russia was no longer a military factor. In five months German submarines had strewn the wreckage of more than 3,000,000 tons of allied shipping along the bottom of the sea, and there was no relief in sight. In October, 1917, came the catastrophe of Caporetto, which temporarily rendered Italy a strategic liability. The Allies had passed the peak of their man power. Their supplies were running low. Their credit was exhausted. The morale of their armies and of the civil populations supporting them was showing the effect of staggering losses. Says Ludendorff in his review of the war:

"The military situation was more favorable to us at New Year's, 1918, than one would ever have expected. We could think of deciding the war by an attack on land. Numerically we had never been so strong in comparison with our enemies."

The United States was distant by 3,000 miles of submarine-infested sea. We were unorganized for war. No major oversea military operations had ever been conducted so far from base, and high military authority doubted the practicability of such an attempt. Ocean transport was at a minimum and, as against the submarine, even Great Britain could not claim the mastery of the ocean lanes so essential to an oversea campaign. It is incontestably true that both friend and foe believed that we could do little more than strengthen the resources of the Allies in money, food, and such products of our industries as we had hitherto supplied. There was a later request that we send a few regular divisions as earnest of our effort, and also recruits to fight under allied battle flags. They asked no more and in their early counsel they advised no more. Indeed, I think it not too much to say that there was a distinct feeling among them against any effort on our part to create a great American Army in France, because they thought the proposal impracticable and visionary. We were to lend them money and sell them unlimited supplies. Our effective contribution was to be economic rather than military.

It is heartening to recall the very different determination which seemed instantly and spontaneously to grip our whole country. I have never entertained a doubt that its inception and growth were largely due to the leadership of our great war President, Woodrow Wilson. He had held out for peace until there was no peace. When he at last reluctantly turned his face toward battle he revealed himself as one of the greatest lords of war that ever trod the earth.

His vision was accurate. His proclamations and state papers ring like brazen bugles. His profound knowledge of the history of statecraft in war enabled him to avoid the great blunders of the past. His high purpose and inflexible will pointed the path and led the Nation along it in a single unflinching march to victory.

"It is not an army that we must shape and train for war; it is a nation," he said, among other terse but wise and inspiring things in his early proclamations and speeches. "The whole Nation must be a team in which each man shall play the part for which he is best fitted. * * *

"This is a war of resources. Men have thought of the United States as a money-getting people. Now we are going to lay all our wealth, if necessary, and spend all our blood, if need be, to show that we were not accumulating that wealth selfishly. * * *

"Every power and resource we possess, whether of men, of money, or of materials, will continue to be devoted to our purpose until it is achieved. * * *

"Germany has once more said that force * * * shall decide. * * * There is, therefore, but one response possible from us: Force, force to the utmost; force without stint or limit; the righteous and triumphant force which shall make right the law of the world and cast every selfish dominion down in the dust."

This was his interpretation of our motive, and this became the slogan of our effort.

He avoided Lincoln's early error of assuming the rôle of military strategist. Yet he was a fierce protagonist of the doctrine of attack. He insisted on the North Sea mine barrage. To the Navy he said, "You are not sent to avoid battle and to save ships. You are sent to destroy the ships of the enemy." He was impatient of piecemeal assaults against the submarine menace. He demanded operations against their bases. "Run the rats to their holes and go in after them!" was his word to our sailors long before the gallant British attack on Zeebrugge.

He was the first American to divorce politics from war-time military preferment. Professional fitness and not pull was his single rule for promotion. He espoused conscription fearlessly and immediately. He cast aside all outworn Civil War precedent and insisted on scientific perfection in organization, administration, and logistics of our armed forces. A mere mention of some happy war omissions—new in our history—will briefly suggest organic reforms with which none credits him: No political generals. No draft riots. No military bounty or bonus. Expenditure of \$49,000,000,000 without even one accusation of graft or peculation. No embalmed beef, misfit shoes, dud ammunition, shoddy uniforms, sleazy blankets, or tin bayonets. No failure of hospitalization or blundered expeditions. No typhoid, typhus, or camp scourges—hitherto more deadly than bullets. And, above all—so remarkable that it deserves a pean in itself—practical eradication of social diseases from an army for the first time in history, and no return of recruits taken fresh faced from home and returned a peril to themselves and their communities. No untrained levies under ignorant officers rushed to slaughter and shame, and no taint of scandal or incompetency in the whole conduct of the war.

He had the leader's gift for choosing men, an inspired executive's talent for outlining what he expected of them and for fitting their tasks into a coordinated whole; and, most important of all, he showed genius—rare even among the world's greatest commanders—in leaving his chosen lieutenants alone with their tasks, except to support them against all annoyance by timid friends or jealous foes.

THE FIRST LIBERTY LOAN

Pershing's letter of instructions was as broad as the Constitution, but it was also as concise and sufficient, and Pershing is witness that, through all the pulling and hauling of inter-Allied politics and military uncertainty he felt the strong and constant hand of that great but little-understood man at his shoulder. It was the same with Hoover, Baker, McCormick, Daniels, Hurley, McAdoo, Garfield, and the writer. From the day of the declaration of war to the day of the armistice there was no backward step. The ringing language was not empty oratory; it was a directing voice which organized and inspired the Nation into a compact military and industrial unit more comprehensively and accurately conceived for victory than that of any other nation engaged in the conflict.

It is difficult to schematize any narrative of the progress of America's conversion from a peaceful industrial community to the most potent instrumentality for war the world has ever seen, but the alliterative prescription of "men, money, materials, maintenance [food], and morale" is more than merely facile; it is true.

Money was the first thing we could furnish.

When Congress met in April to declare war the Allies were close to the end of their fiscal resources. To some extent, they had pooled their strength and, borrowing or buying American securities owned by their own citizens, they had been able to get vast sums from our bankers by using these dollar securities as collateral. In this way Great Britain had borrowed more than \$1,000,000,000 here and France \$774,000,000.

The possibilities of further financing of this kind had dwindled to next to nothing. As a high British authority is quoted (*The Inter-Ally Debts*, Harvey Fisk. Letter from Ambassador Page to President Wilson, May 4, 1917): " * * * the British Government, with commitments in the United States running into hundreds of millions of pounds, was at the end of its tether. It had no means whatever of meeting them," and again: " * * * supplies of securities which could be used as collateral were becoming exhausted."

On April 6 we declared war. Five days afterwards there was introduced in the House of Representatives a bill authorizing a bond issue of \$5,000,000,000, of which \$3,000,000,000 was specifically authorized to be extended as credits to associated powers. This was the first of the Liberty loan acts, under the terms of which our country was eventually to become a creditor to our war associates in an amount which, by November 15, 1927, had reached the tremendous total of nearly \$12,000,000,000. (*Ibid.*, p. 326.) This is more than a quarter of the entire direct cost of the whole war to either Germany or Great Britain. It is also more than a quarter of the aggregate cost to all the allied powers up to the day of our declaration. It is over half the cost of government of the United States from its inception through the year 1913, including the direct and continuing costs of all wars America ever fought, including the Civil War—the cost of building through a century the very governmental structure which loaned this treasure. Though these crude yardsticks give some idea of the sum advanced to

our allies, the actual meaning of such great figures is beyond human comprehension.

Looking back at April, 1917, one is impressed not only by the promptness with which we opened this vast unsecured credit—by all odds the largest transaction of that kind ever undertaken—but by the spirit in which this act was done.

The votes in the committees in the House and the Senate were all unanimous. To the suggestion, in debate, that bonds of some of our associated powers were selling at far below par and that money should be advanced on the basis of the market price for these bonds the answer was: "All the more necessity for us to loan them this money at the lowest possible rate of interest." When one Congressman said, "They will use it to retire private loans," the sponsors of the bill replied, "Leave it to them, and do not limit or qualify the use of that money." When a provision requiring mutual guaranties among the borrowers was advanced, the reply was: "If we get this money back at all when the war is won, we shall get off cheap."

I think we shall see that this was our attitude throughout—a prompt and comprehensive vision of the bitter thing the world was up against, a whole-hearted willingness to face it squarely, without bargaining or cavil, an assumption of all burdens, not only of those forced upon us by the exigencies of war but also of any—however unusual—that we could reach out and take to make the task of our associates easier or to smooth the way to victory.

WHERE DID THE MONEY GO?

Thus, in 1918, the shortage of silver available to the mints of India threatened a difficult situation in foreign exchanges. We immediately withdrew silver certificates from our circulating media, replaced them with Federal Reserve notes, sold the Treasury metal back of these certificates to the British at a stabilizing price, and loaned them the money to make the purchase.

Among allied war expenditures out of our loans to them will be found such items as "exchange and cotton purchases, \$2,644,783,000; maturities and interest, \$1,378,750,000." No one will ever know how much of our advances to all our Allies went for purposes as remote from direct military participation as the retirement, through our Government's unsecured advances to them, of loans secured by them to American bankers by collateral before we ever entered the war, because funds advanced by us were commingled with other funds. As just stated, maturities and interest alone were reported as \$1,378,750,000, which does not include a so-called overdraft owed to certain New York bankers of \$400,000,000, which was later liquidated, making a known total in this item of \$1,778,750,000. How much more is included in such so-called blind items as exchanges is not certain, but, in view of unknown credits opened by munition manufacturers, the total is probably not less than \$2,000,000,000.

Part of the money advanced by us was used to feed the allied civil populations, for which the governments were paid in part by their own peoples. Some of these items were: For cereals and other foods, \$3,051,000,000; for tobacco and other supplies, \$758,200,000. Indeed, of a total of nearly \$12,000,000,000 only about \$2,443,610,000 was expended for munitions including remounts. Much of the money we loaned was used artificially to stabilize allied exchanges, so as actually to make our purchases from the Allies far more expensive than they would otherwise have been. Finally, under the terms of the actual debt settlements the amount to be received by us is reported by our Treasury to be only about 60 per cent of the value of these foreign debts based on the terms of the original obligation. (*Report of Secretary of Treasury, 1927.*)

We never questioned that use of money or these settlements, and we do not question them now, but they certainly carry scant comfort to critics of American wholeheartedness in this matter either at home or abroad. Our consent in 1917-18 to this use of such vast sums is some indication of the spirit in which we took our place beside our friends in the Great War.

Our attitude was the same from beginning to end and after the end. We simply opened our Treasury and met all allied demands during the entire war and long after the armistice, until the specters of pestilence and starvation which stalk in the wake of war were abolished from the horizons of both friend and former foe.

We have thus far discussed only our contribution of money directly to the allied governments themselves, and have said nothing about our appropriations for our own effort toward victory—not only as to the amount of money we expended, but as to the very much larger sums which would have been required by the man power, material, and financial programs upon which we had embarked.

In the fiscal years 1917 to 1928 our actual outpayments on account of the war passed the unprecedented total of more than \$49,000,000,000. (*Report of the Secretary of Treasury, 1928, p. 564.*) Deducting from this certain receipts, such as interest accrued on the debts and proceeds of the sale of surplus war material and certain assets on hand—principally obligations funded and due from allied or associated powers—we find a net war cost of \$36,360,232,063.98 as of June 30, 1928.

These figures, as nearly as may be computed, and supposing that every cent of allied obligations to us will be discharged, indicate what we

actually spent, but it is only a portion of what we expected, intended, and were prepared to spend and would have spent had the war not collapsed so suddenly in November, 1918. What the latter amount might have proved to be must be pure conjecture based on the fact that by the latter date we had taken over the whole financing of our allies' requirements in this country and had embarked on a program of our own many times heavier than that of 1917, all of which actually did, as we have seen, result in a total gross outlay of more than \$49,000,000,000. In 1918 we made a single contract abroad involving an outpayment of \$500,000,000 for artillery and ammunition. On November 14, 1918, the Secretary of the Treasury wrote a letter to the Senate Finance Committee in which he said that, on the basis of our increased military programs, he had estimated that expenditure between June 30, 1918, and June 30, 1919, alone would be \$24,000,000,000. As a matter of fact—regardless of the sudden armistice and the abandonment of purchase programs on November 11, 1918—we actually spent in the fiscal year 1919 more than \$18,500,000,000. In the opinion of the writer, had we gone ahead with the program requested by General Pershing for the expected 1919 campaign, our actual expenditures for the fiscal year 1919 alone would have been nearer \$35,000,000,000 than \$24,000,000,000.

HOLDING BACK NOTHING

The entire net cost of the whole six years of the war to Great Britain has been estimated at \$43,812,000,000. For the years prior to our entry, the gross cost of various countries has been estimated as follows: Great Britain, \$18,250,000,000; France, \$9,000,000,000; Italy, \$5,000,000,000; Russia, \$12,300,000,000; total, Allies, \$48,500,000,000; total, Central Powers, \$21,000,000,000. It seems quite apparent that had the war continued into 1919, and on the basis of what we had done and were preparing to do, our net war costs would have been greater than those of all the Allies combined up to the date of our entry into the war. (All computations of allied war costs are by Harvey E. Fisk, Inter-Ally Debts, published by the Bankers Trust Co., 1924, and cited as authority in a letter from the United States Department of the Treasury, August 7, 1929.)

But, as mentioned before, all figures on probable expenditures are mere conjectures—the amount might have been very much larger than the estimates just discussed. If we had not ceased to put any limit on appropriations, we had at least ceased to count the costs of any promised effective effort. As Chairman Swager Sherley, of the House Appropriations Committee, rather tartly put it in August, 1918, we were then "appropriating all the money there is for any useful purpose whatever." We were holding back nothing that could possibly advance the common cause, and we faced the year 1919 with no thought of change in this policy.

MAN POWER IN THE WAR

In discussing those days of universal sacrifice, money seems a sordid topic, and so it is as a measure of material gain. But here is no talk of gain. Here money itself was merely a measure of help. We consider it first because our outpouring of it came first in point of time. At the same moment we prepared to give a more sacred thing—the very flower of our youth and manhood—and we did that with precisely the same scorn of "stint or limit."

On May 28, 1917, General Pershing sailed for Europe. Within a few days he cabled back requesting 1,000,000 men and preparation for 3,000,000 more. As the crisis developed he estimated a requirement for the expected 1919 campaign of 80 and later of 100 divisions in France. (Report of Secretary of War, 1918, p. 10.) With auxiliary troops, this latter looked to an overseas Army of 5,000,000 men. This would have required replacement and other home Army organizations of 1,500,000 men; a total armed force, including men in the Navy and marines, of more than 7,000,000 men. Nobody ever questioned these requirements. As to Pershing's 80-division program—4,000,000 men in France for the spring of 1919—we promised it. As to his 100-division program, we accepted it as a goal subject only to available shipping. As our work progressed, it became apparent that we could accomplish it. We acted with all the energy and resource at our command to fulfill his requests.

On May 18, 1917, Congress authorized the registration of 10,000,000 men for military service, and on June 5 they were enrolled. Thus, in 17 days was created the pool of man power which eventually overcame the German numerical advantage on the western front. The male population of the United States was 54,000,000. Of these, 29,000,000 were under 18 or beyond 45 years of age. In successive enrollments we registered, in one way or another, 25,000,000 men for military service. There the registrants, not yet classified or called, stood awaiting the administrative process by which they were to be grouped in classes in the order of their relative availability for immediate induction. This classification process was carried on far enough in advance of actual calls for men to insure an ample pool of instantly available and fully qualified man power against any demand. (All figures on man power from report of provost marshal general, 1918, p. 226 et seq.) At the date of the armistice we had placed under arms by all methods and in all categories 4,727,988 men. There were then presently fully classified and available for immediate service 1,500,000 more, and there

was in process a further classification estimated to bring the total of available and qualified registrants not yet inducted to 3,600,000 under the rules then existing—a number far in excess of any immediate prospect of requirement even on the full 7,000,000 program. A prime question was how to take them with least dislocation of our industrial system, and I recall a visit from General Crowder—when we had already taken 4,000,000 men—in which he asked me, as chairman of the War Industries Board, where industry could best spare its share of a total withdrawal of about 300,000 men a month.

We worked that problem out, and all was ready at the armistice to begin these new drafts. We went further in this regard than any belligerent, for, by the so-called work or fight order, we were making the draft serve the uses of industry by providing that any man not usefully and faithfully employed in an industry declared by the Government to be essential to victory should be taken at once for military service, regardless of any other claim he might have for deferment or exemption. Industry was further served by the abolition of volunteering. In other countries any man, regardless of his essentiality to the war machine at home, could volunteer to march. Here only those selected for military service could undertake it. Experts in industry remained at their tasks. As the President put it, "though a sharpshooter pleases to operate a trip hammer for the forging of great guns, and an expert machinist desires to march with the flag, the Nation is being served only when the sharpshooter marches and the machinist remains at his levers. The whole Nation must be a team." In two sentences he thus outlined a new concept of a nation in arms—a system which, in mobilization of military and economic power, was never before approached in war or peace.

This classification system was a skimming process. It was designed to send to battle first only those who, above all others, were best circumstanced to go. Others were merely deferred in strata of relative availability, not excused. This had two important effects—first, the 7,000,000 first taken or to be taken were the cream of our whole manhood; second, the resiliency afforded by the deferred classes was such that the total provision of military effectives afforded by the system was very great—greater by 50 per cent than the man-power resources of England and France combined. This vast pool had been made fully ready for any demand that might be placed upon it.

In all these preparations there was neither complaint nor murmur from our people. No family was exempt. The door of every home in the Nation was thrown wide open for the Government to enter and take as its needs might require. No show of force was necessary in this taking. It was executed by the civilians of each local community. It was unique in the annals of military levies in that it had no background of bayonets. As the President said, "It is in no sense a conscription of the unwilling. It is rather selection from a nation which has volunteered in mass."

"SEND US MEN!"

Nor was there any lack of stern reality in this. In a single month we withdrew more than 400,000 men from civil life—more than 1,000,000 men in 90 days. Nobody was under the slightest illusion. The heavy drafts came when the British stood with "their backs to the wall" against an overwhelming German superiority in numbers which was blasting the way wide open to the channel ports. The bloodiest tolls of the war were being taken. The allied missions were proving in Washington that, at the then rate of losses and relative strength, projection of victory for Germany had become a mere matter of arithmetical computation of consumption and available reserves. They had changed their minds completely about the advisability of a great American fighting force in France. It had suddenly become their one salvation. At their almost desperate request and belated release of shipping, we stepped our contribution of men up from 70,000 a month to 300,000 a month. Our equipment was not ready, but the literal Macedonian cry was: "Send us men in their undershirts. We can equip them."

We took every ton of available shipping and jammed it with men packed like sardines. Divisions were stripped of their artillery and other special troops. We were sending only Infantry and machine guns. In five months we sent 1,500,000 soldiers abroad and raised the American Expeditionary Force to more than 2,000,000 men, which was a larger number than was ever attained by the British Expeditionary Force in France (Report of Assistant Secretary of War, 1917-18). Herein resides a point of telling importance against those who belittle our actual combat effort. Had we not ignored allied advice in 1917 and proceeded to create these vast pools of man power and supplies, there would have been no overwhelming American reserve to stop the German flood at Belleau Wood and Chateau-Thierry and cut square across France through the Argonne to the German lines of communication.

At the low ebb of allied fortunes, Pershing—abandoning for the moment of extremity the American determination to preserve the independent identity of the American Army—said to Foch: "All that we have is yours to dispose of as you will. Others are coming which are as numerous as will be necessary." Of this the British official announcement was: "President Wilson has shown the greatest anxiety to do everything possible to assist the Allies, and has left nothing undone which could contribute thereto."

A BRIDGE OF SHIPS

There was no voice then to say that American military contribution was a slight weight in the balance. All that was then heard was that it was indispensable to salvation.

So much for our giving of the second element of war—men. As we had done with treasure, so did we do with blood—gave all that could be taken as fast as it could be shipped overseas, and with complete submergence of every thought of selfish interest.

There is no difference in the theme of this story when we come to material, but the subject is far more complex. No true measure of the lengths to which this country went and was rapidly going can be had without brief reference to the various departments in which this energy was expended.

In the first quarter of 1917 submarines destroyed 2,000,000 tons of allied shipping—more than 800,000 tons in April alone. The world's combined output of new shipping was replacing less than a quarter the loss. Great Britain had only 6,000,000 gross tons available for ocean transport, and shipping was the factor which limited the amount of man power and material aid we could give the Allies.

The dwindling of the world's mercantile fleet threatened defeat in many other ways. So dependent was victory on nitrates for explosives that the sinking of an old tramp freighter from Chile was a greater loss than the destruction of a whole infantry division. Tropical mahogany for airplane propellers, wheat from the Argentine, rubber from the East Indies, were all basic elements in a vast economic strategy which, if less obvious in the dispatches, was perhaps even more important than the strategy of arms. We attacked this problem instantly.

Within 11 days of our declaration of war we established the Emergency Fleet Corporation. For the purpose of creating a fleet of carriers Congress authorized altogether an expenditure of \$3,700,000,000. To measure this figure it should be remarked that, excluding naval vessels, it is nearly three and seven-tenths times the value of all American shipping and canals in 1912 and—to show the small proportion of it that went permanently to improve the economic status of the United States—it is two and five-tenths times that value in 1922—both estimates of value by the United States Census Bureau.

We embarked at once on a shipbuilding program looking toward the construction of 12,000,000 gross tons, and actually built nearly 10,000,000 gross tons of this. The energy and progress of this work were amazing. We expanded our shipbuilding capacity ten times in 10 months, paying material and machinery costs nearly three times normal costs, and labor rates about double normal rates. We started with 234 shipways and by November 11, 1918, had created 1,099 shipways—a potential productive capacity equivalent to the aggregate of all the rest of the world combined. Before our activities began, nine months was considered excellent time in which to turn out a 3,500-ton ship. In the summer of 1918 we built one 12,000-ton ship in 28 days. Sixty days had become our standard rate.

Ships were not the sole requisite of transport. The harbors of France were so inadequate to the greatly increased traffic that there was not a day between August, 1917, and the end of the war when the capture of the channel ports would not literally have starved the allied armies in France into prompt surrender. They could neither have been fed nor withdrawn. The southern ports which were assigned to us were of a capacity so limited that without almost complete reconstruction they could not accommodate an American Expeditionary Force of any great military value and, even when so rebuilt, they were not adequately connected with the front. It was necessary practically to double track existing French railroad systems from the coast across the whole country to the sector assigned for American operations and to rebuild the ports of entry.

NO TIME FOR BARGAINING

By improved methods and vast port construction, both here and in France, we cut 17 days from the experienced rate of turn-around for trans-Atlantic freighters. We chartered the available shipbuilding and shipping capacity of Japan and China, commandeered a Dutch mercantile fleet, hired all available neutral and allied tonnage and, by combination of all these things, were able to supply our allies and our Army in France and to increase our overseas force at the rate of 300,000 men a month. By the date of the armistice we could see clear daylight ahead on the transport situation and there seemed small doubt—in that aspect, at least—that Pershing would have had his hundred divisions for the projected 1919 campaign.

Food was becoming a serious problem for our Allies. Even in normal times, Great Britain produces only about 20 per cent of its breadstuffs. Under war conditions the domestic production of all the Allies was greatly impaired and their normal sources of supply shut off—Russia by the hostile barrier of the Central Powers and her red revolution; South America, Australia, and India by magnificent distance, shortage of shipping, and the menace of the submarines. With a poor 1917 wheat crop in the United States and a vast impairment of the world's supply of animal fats, the condition was threatening. Armies must be fed at all costs, but home population can not be neglected. National morale is one of the most essential elements of military strength, and

it has never been maintained on empty stomachs. The United States was the ultimate source of food for all our associates, and the first preliminary survey showed that, without drastic readjustment, there simply was not enough food to serve the requirements of victory.

The President acted at once. On May 21—long before the necessary legislation could be passed—he projected the Food Administration and asked Herbert Hoover to undertake the task. From that moment President Wilson backed him with all the war powers of the Executive. Debate on questions of prohibition delayed the passage of the Lever Act, but when it became a law its practical, if not its textual, effect was to place plenary control of our whole food industry, including agriculture, in the hands of the Government. To secure the necessary increases in producing acreage, it provided for a guaranteed minimum price for wheat. It placed all dealers in controlled foodstuffs under a licensing system. As to wheat, the Food Administration used this system to maintain the guaranteed minimum as the actual price. It pooled the purchases of the Allies and took in a firm grasp the entire visible supply of certain foods. It allotted these products among our own and allied needs at the same controlled price for all. There was thus, in the ordinary sense, no market for these basic foodstuffs. There was merely a division with our Allies of all that we had to eat. Bargaining was adjourned.

Through the latent power of the licensing system, the Food Administration put the whole Nation on rations. It eliminated much waste and increased the acreage devoted to food production to such an extent that American agriculture has never fully recovered from the increased surplus thus induced. By a combination of all these means it supplied our soldiers and fed our friends. As to France alone, Clemenceau has said, "In 18 months the United States sent us 5,000,000 tons of foodstuffs and fed 12,000,000 Frenchmen for a year and a half. If this help had not been forthcoming our army could not have held." Like veteran soldiers in a siege, our people broke their loaves and halved their rations with their comrades in the fight.

Fuel was administered in much the same manner as was food. There was a serious coal shortage against the greatly increased demand, and it promptly became a limiting factor in the production of steel—the great organic material necessity of modern war. President Wilson gave the fuel problem to Dr. Harry A. Garfield, under whose able direction our people—with no more compulsion than a statement of the necessity—accepted a rationing system quite as rigorous as that of the Food Administration. The use of automobiles was reduced to a minimum. Fuel was doled out in sack deliveries to our homes on a fixed basis of rationing. Only so much fuel for industry was allowed as was sure to be used for a purpose determined to be essential to the winning of the war.

Money, men, food, and fuel—these we have considered. There remained the whole congeries of things which are needed to make war. The problem was to increase production by all possible means—greater efficiency, increased per man output, new sources, increased manufacturing speed and capacity; to conserve supplies to the limit of our ability—elimination of waste and of all but essential uses, substitution for shortage items, standardization of types, and control of supply; to preserve the morale of our people by making these serious restrictions with sympathy and common sense, and by controlling the rapidly rising tendency in price.

EVERYONE AS AN EQUAL

Great were the sacrifices made by American industry to make these policies effective. There was a general and willing cooperation in every branch of business. If not set aside completely, profits and the hope of profits were, at least, the last consideration. The much-bruited swollen war profits of American industry occurred before our entry into the war and the institution of the system represented by the War Industries Board and other war agencies of our Government.

There was some delay in taking complete control and it was not until March, 1918, that the War Industries Board was given those definite powers necessary to administer so great a task. Much congestion and price inflation had been caused prior to our entry into the war by competitive allied buying in our markets, and there was still further congestion and inflation due to lack of definite controlling authority over governmental buying after our entry. But long before the board had real control much was done by willing cooperation of great industries with the Government. When we entered the war, steel prices had been bid up out of all reason in frantic allied competition. For example, in the chaotic spring of 1917, Japan had offered as high as 15 cents a pound for ship plates. In discussions between the writer and the great steel masters, we agreed on a price of 2.5 cents a pound for our own Government, and later, after more careful study of costs, we fixed 3.25 cents for plates for ourselves and all our friends, and proportionate prices in all other classifications. Prices for copper and many other nonferrous metals were similarly determined by agreement at early dates, on schedules far below those in the open market, and wholly by amicable agreement between the board and the leaders in the various industries affected.

But important as all these things were, it was only after March, 1918, that the organization and control of the board and other war-

time administrative units began to integrate cleanly with the vast and intricate pattern of American industry, and the gigantic economic power of the country to take form as the most facile and forceful engine of war that ever appeared on this earth.

By means of complete control of outshipments and of close relationships with allied and even neutral governments, there was instituted an economic blockade—a close-meshed barrier through which nothing could slip to contribute to the military subsistence of the enemy.

By a system of so-called priorities, fuel, transportation, finance, raw material, power, and labor were pooled and rationed on a rule of relative essentiality to allied victory and to the stark necessities of our civil population.

A NATION VOLUNTEERED

A scientific and effective price-fixing commission regulated prices of basic commodities, checked sharply the threatening inflation, and brought order out of chaos in all markets.

Through a system of commodity committees our overburdened industrial plants were carefully designated for such uses as seemed most to contribute to the winning of the war. These committees consisted of the leaders in each commodity group of industry meeting with experts of the board in the several industrial groupings, officers of the purchasing bureaus of government, and guardians of civilian interests. They allocated facilities, supervised the placing of governmental and allied contracts, procured for essential demands priorities in power, labor, transportation, and materials, assured the fairness of contract prices and expedited production and delivery of every needful thing. They erased competition and substituted cooperation, with a result that all conflicting industrial elements were welded into a single team—an economic integer—the United States of America armed and accoutered for economic conflict.

A nonwar construction section controlled the building industry against all deferrable or avoidable consumption of labor, materials, equipment, and supplies in nonwar construction.

A conservation section had charge of every means to eliminate waste and to cut off nonessential use.

The theory of the board's whole policy was that, if shown the way, our people would bring any sacrifice and all devotion to the common cause. The method was first to procure organization of national industry in commodity groupings, and then to deal with the head of each group. In practice it was found necessary only to state a particular problem—giving and taking suggestions as to how it could be solved—and then to leave it largely to each industrial group—aided and supported, of course, by the board's extraordinary powers—to work out its own result. Behind all this, of course, there were always such latent forces as the right to commandeer, or through the priority system, literally to starve or choke an industry to death. But these powers were never used and seldom mentioned. It was not necessary. As the President had said, "the Nation had volunteered in mass," and its industry was actuated, as were its Armies, not by coercion but by the spirit of a vast crusade.

This transformation of the peacetime industry of a great modern nation into an economic menace more terrible than an army with banners can not be too strongly emphasized, because the sudden collapse of the war completely obscured the effects of it. It was the first historical instance of complete economic mobilization, and it reared a giant of potential menace which I have always thought was much more clearly appraised by the Germans than by any of our allies. The very shadow that it cast across the sea had much to do with the enemy collapse. Said Hindenburg of America:

"Her brilliant if pitiless war industry had entered the service of patriotism and had not failed it. Under the compulsion of military necessity a ruthless autocracy was at work, and, rightly, even in this land at the portals of which the Statue of Liberty flashes its lights across the sea. They understood war."

Corporations and men accepted without whimper conversion of their factories to purely war uses which they knew would hamper and might ruin them. They undertook contracts which under no ordinary business conditions would they even have considered. They gave up their key men, pooled their patents, trade secrets, and even their own facilities, organizations, and supplies. In brief, they ceased to be competitors in order to become integrated parts of the great national war-industrial unit which, by the fall of 1918, was beginning to function with deadly precision and perfection.

Indeed, a spontaneous masterpiece of the war was this universal cooperation of our whole citizenry.

Whether it was the small boy gathering peach stones for gas-mask charcoal, the girl tending a war garden, the county clerk burning the candle at both ends to get off the draft contingents, the Red Cross worker, the Liberty loan solicitor—everybody had a part in that war. The whole Nation had become a team, and that very fact raised its morale to a higher pitch than it has ever been before or since.

A single incident which should be interpolated here shows the extent to which both industry and civil population were willing to go. It occurred in the work of the conservation section.

CITIZENS IN UNIFORMS

Studies showed that much waste or avoidable use of essentials accrued from the diversification in type required under normal conditions by individual fancy and that a reduction in types would release important quantities of material. We had already cut the flaps off pockets to conserve wool, taken stays out of women's corsets for the sake of steel, and practically stopped the production of so-called pleasure automobiles. But the final conclusion of these studies was even more drastic. It was, to all intent and purpose, to "put the civil population into cheap but serviceable uniform."

We began immediately to prepare to do this. The first industry approached was the manufacturers of boots and shoes. Agreements were reached limiting types and styles to three classes, A, B, and C, to be sold at fair price ranges within each class. Only the limitations of time and the coming of the armistice prevented carrying out this program at every useful angle. With the exhaustion of inventories and wardrobes, our people would gradually have emerged in uniform garb—the same for rich man, poor man, beggar man, or thief. If any nation ever did a thing like that, I have never seen a record of the attempt.

In November, 1918, these methods were becoming effective beyond our hopes. The War Industries Board was in control of its field. The stream of raw materials was pouring forth into fully controlled channels accurately calculated for the greatest military economic effect. The control of storage and transportation had proceeded to a point where clear currents of uninterrupted flow of finished materials to seaboard seemed assured. The submarine menace was being abated and the almost daily splashing of ships from a thousand new ways into the ocean made transportation of men and things to Europe more certain.

We neglected our allies in nothing. We took no step without consultation and agreement with them. We appropriated nothing to our own uses without providing on a like basis for theirs. When we fixed prices they were the same for our allies, our Government, and our public. Control of steel prices alone has been estimated to have saved our Government and the Allies \$3,000,000,000. When we saw our friends floundering for sources of supply we took their needs in hand and allocated them with our own. The price shared with them for our farmers' wheat was less than some of our friends allowed their own peasants. We not only gave them all we had to give but we furnished them the money to pay for it.

WHO WON THE WAR?

No other nation did these things in this comprehensive fashion. Even after four years of war, neither Allied nor Central Powers had reached any such stride as we had attained at its close. Even the vaunted German efficiency and proprietorship of the nation-in-arms idea had not achieved any such economic organization as was almost perfected here. Great Britain accepted conscription only late, and very warily. The universal service laws of Germany and France did not contemplate selection of men for industry as well as arms. As we well knew, so complete a metamorphosis of "every resource of men, money, and material" from a community of peace to an instrument of war was not certainly necessary. The productive capacity built up in Britain and France to support a much larger man power than, by 1918, they were able to maintain was being released, and except in a few instances we could have utilized these facilities and, by sending raw materials and perhaps labor abroad, avoided a vast disruption of our own economic pattern and left our country in a most advantageous postwar status. Though we also used their facilities as fast as they were released, we declined this easy reliance upon them because it threatened to skim too thin the margin of safety against a possible German invasion of allied industrial areas. Our policy was to leave nothing undone to insure victory, and we followed that policy regardless of present cost or future vantage.

One might proceed for thousands of pages with this factual catalogue. There is enough here to picture a nation of 110,000,000 people literally converting itself within the space of 18 months into a compact organization for war with an effect which, though lost to sight by reason of the sudden failure of the Central Powers, constituted a more menacing display of defensive strength than the world has ever seen.

"Who won the war?" is a foolish question never more appropriately answered than by our returning doughboys: "The M. P.'s won the war." As bitterness recedes with the years, we can say with sincerity that no people ever put up a braver fight against overwhelming odds than our late enemies. No people ever defended more valiantly or endured more faithfully than the Allies. The long, ruinous period of bloody attrition came before we were a belligerent. Criticism that we did not fight sooner is gratuitous and unwarranted. This country does not make war. It accepts it only when there is no remaining alternative. We learned by the mistakes of both friend and foe, and found an enemy worn by three years of conflict.

The end came before we were called upon to contribute blood in the measure of our associates. It would be an unfair and invidious distinction to attempt to say which of all these incidents of war contributed most to allied victory. But it is not so difficult to say that without Britain or France or America there could have been no victory. No one will appear with temerity to deny us a place in that trio. We

began to move to war with everything we had at the very instant of our declaration. If anything more than we did could have been done, I have never been able to conceive what it was; and I have heard nothing to suggest a step taken too late, not taken at all, or taken with too little resolution, foresight, or courage. I think we might even claim a further distinction without offending anyone. In view of our tremendous concentration of force for a 1919 campaign there can scarcely be room for doubt of the assertion that no power on earth could have withstood the shock of men and metal that were being mobilized to throw against the western front. American men, material, money, and morale had made defeat impossible and victory certain.

I have yet to hear a participant from any nation boasting about the war, and there is no boast in these assertions. They are a recitation of facts—some not well known, some obscured—the meaning of the collective array of which I have never seen defined. They are marshaled here in the hope that to our critics they may give a better and, perhaps, a more sympathetic understanding, to our self-constituted apologists some suggestion of their own fatuity, and to the generality of us comfort and confidence that America did her part beyond fear of any criticism or need for any apology. She assumed literally an unlimited burden. She made her hazard in such fashion that, had she lost all that she ventured, she could never have suggested to any nation an assumption of her load, or any part of it.

PHYSICAL HAZARDS OF CAPITOL AND WHITE HOUSE

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the physical hazards of the Capitol and White House.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Weekly Underwriter and the Insurance Press of January 18, 1930]

PHYSICAL HAZARDS OF CAPITOL, WHITE HOUSE—LATTER MUCH LIKE ANY LARGE RESIDENCE; CAPITOL HOUSES MANY OCCUPANCIES; DOME OF CAST-IRON PLATES

(By William H. Rodda, chief engineer, Underwriters' Association, District of Columbia)

The recent fires which occurred in the executive office section of the White House and in the Capitol make the construction of these buildings of more than usual interest. The White House proper is essentially a large dwelling, located about a mile and a half from the Capitol. It is two stories and basement in height and of ordinary construction. When the roof was rebuilt about two years ago some steel and concrete work was put in the top story and roof, but the floors remain as originally constructed—of wood. Walls are of brick. Interior construction is very much the same as any large residence and the hazards are also similar. The possible additional hazard because of large numbers of people coming in and out is probably offset by the greater care taken and the continual presence of guards.

About 150 feet from the White House and connected to it by a passageway with an open side is the Executive office building where the fire of December 24, 1929, occurred. This building is one story, basement, and attic in height, about 85 feet by 100 feet in size, and of brick and wood joist construction throughout. Interior finish is metal lath and plaster, and partitions are of metal lath on wood studs. Heat is supplied from an outside building, but there are also some open fireplaces.

A wooden stud in contact with a fireplace having a 4-inch wall was responsible for the Christmas Eve fire. The fire worked its way through the partitions and finally into the attic, where it had to be fought through holes cut in the roof. The attic was pretty well destroyed, but the damage on the basement and first floor was mostly from water.

The building was occupied in the basement as offices and general files for the clerks connected with presidential business. The first floor was occupied by a reception hall, the President's private office, and the offices of the President's private secretaries. The attic housed a large quantity of old documents and pamphlets on wood shelves. It was these pamphlets on wood shelves that made the fire very stubborn and difficult for the fire department to get at. The White House proper, however, was in no danger of damage at any time.

THE CAPITOL BUILDING

The United States Capitol Building is a much different proposition from the White House. It is much larger, having a ground-floor area of nearly 190,000 square feet, is three stories, attic, and basement in height, and houses many different occupancies. The general type of construction is that of many years ago with heavy brick bearing walls sometimes 55 or 60 inches in thickness at the bottom. The floors are heavy brick arches with concrete above. Interior partitions are mainly the brick bearing walls. There is surprisingly little steel work in the floor construction. The roof, however, is largely metal-covered concrete on unprotected steel I beams. There is a very peculiar construction forming about one-fourth of the roof. It consists of corrugated iron sheets on unprotected steel I beams. Each I beam has a strip of wood

bolts to each side of the web between the flanges. The reason for this is not apparent. In some places there is wood lath and plaster under this iron-and-steel roof. The dome is of cast-iron plates and columns, held by steel truss work to some extent, all carried at the roof level on the bearing brick walls. There are numerous interior stairways of iron and marble, elevators inclosed only in iron grill work, well holes, and interior courts in all sections of the building. The occupancy is interesting and varied.

The basement extends out under the sidewalk, making it almost double the size of the ground floor. Heat is supplied from a central plant, several hundred feet distant, so there are no boilers. Tunnels lead from the Capitol to the House and Senate Office Buildings some distance away. There is also a book carrier tunnel to the Library of Congress building. In the basement is a power woodworking shop with eight or nine power machines and three or four hands; a machine shop with four to seven hands, two kitchens, trash room, and large areas of general storage of every conceivable thing from documents to lumber and building equipment.

The ground or first floor has numerous offices, two restaurants, three barber shops, and telegraph offices. The second or main floor has the auditoriums for the Senate, House of Representatives, and Supreme Court, large halls and exhibition spaces, offices, the Congressional Library office, and some file rooms. The third or gallery floor has the auditorium galleries, more offices, Supreme Court library and file room, and the Senate Library of about 80,000 volumes. The attic in some sections is unoccupied except for ventilation machinery. Other sections are used for the storage of documents. The fire of January 3, 1930, occurred in an artist's studio located inside one of these document storage rooms. The fire was confined to the studio and the total damage including portraits destroyed probably will not exceed \$7,500.

SERIOUS FIRE POSSIBLE

It is worth noting that while the building can probably be classed as fire resisting in spite of the large amounts of unprotected metal in the roof and dome, a serious fire is very possible because there are no fire divisions, and there is considerable combustible material stored and used in the building. Document storage is extensive, partly on open wood shelving and partly in sheet steel cases of the ordinary office type. Protective devices consist of a fair equipment of hand extinguishers and inside standpipes supplied by fire department connections. The recent small fire serves to emphasize the possibilities of a serious fire involving records of extreme value. Many of those stored on open wood shelves are not replaceable, and it is only good fortune that has saved them from destruction.

NOTE.—There seems to be an impression among people not familiar with Washington that both the fire of December 24, 1929, and that of January 3, 1930, occurred in the same building. This is not the case. The first occurred in a building on the White House grounds occupied by the President and his immediate secretaries and clerks. It did not involve the President's residence near by. The second fire occurred in the United States Capitol Building a mile and a half from the White House. An article on the subject might do well to correct this impression.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

The VICE PRESIDENT. The Chair lays before the Senate the Treasury and Post Office Departments appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The CHIEF CLERK. On page 80, line 21, it is proposed to strike out the proviso.

Mr. FESS. Mr. President, on yesterday, during the discussion of the appropriation bill, the Senator from Wisconsin [Mr. BLAINE] made some statements in connection with the St. Paul incident which appeared to me to present a very serious situation. I listened throughout the entire debate; and the Senator from Wisconsin made some statements that I thought very unfortunate, that appear like innuendoes.

On page 6709 of the CONGRESSIONAL RECORD I find these words, which impressed me when they were uttered:

I want to say, Mr. President, that every record in this case, every fact in this case, earmarks the Post Office Department with a knowledge of the fraud, with the knowledge of the corruption, if not actual participation therein.

That is a very serious statement.

On the next page I find this statement, which I heard the Senator make:

This report was in the files of the Post Office Department, which I obtained under subpoena not against the Post Office Department but against a Member of the other House who had possession of that file, and who was threatened by the Attorney General's Department that a secret-service agent of that department would take possession of those files,

That is a statement of fact that impressed me when it was delivered. I made some investigation. I never have had the habit, I never have engaged in the practice, of questioning any utterance made by any Senator unless I had the facts at hand. These statements in the discussion yesterday, participated in pretty generally, were, I thought, rather caustic; and it seemed to me that if we were to make the interpretation which the public would get from the plain meaning of the words that were used, we should have to come to the conclusion that the Post Office Department was participating in a fraud, knowingly so, and that the files in question were being held for some reason so that a Senator would not be able to get possession of them.

In another statement reference is made to suppressing the facts, or burying them, which would be argument along exactly the same line.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FESS. Will the Senator please wait a moment?

Mr. McKELLAR. Certainly.

Mr. FESS. Then I note on page 6713 of the CONGRESSIONAL RECORD, in the second column, this statement:

Mr. President, if the Senate adopts the resolution which I submitted this morning, no doubt some of those bonds will be traced to the Toledo Trust Co., in which, I am informed, the Postmaster General is or was a director.

The plain meaning of these statements is that there has been some corrupt influence on the part of the Post Office Department; and here is an insinuation that there may be some profit that is to be participated in by the present Postmaster General.

Knowing the present Postmaster General as I do, and having known him for 30 years, I felt at the time that I ought to rise in my place and protest against that statement, but not desiring to enter into any controversy without having the facts at hand I thought it might be possible that where investment bankers representing a chain of at least 60 cities, including the Twin Cities, were distributing bonds, Toledo being a city on the lake, in all probability some of the bonds issued in St. Paul would find their lodgment in a Toledo bank. That would not be a far-fetched conclusion at all. In other words, it might be the most likely thing. Consequently, I paid no further attention to the matter other than to consult with the Postmaster General after the debate was over.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. WALSH of Massachusetts. I think the Senator is quite correct in his effort to exonerate the present Postmaster General for any responsibility in this leasing system. Is it not a fact that the practice of asking private interests to purchase locations and erect buildings to be used for postal services originated some years ago, under a different administration from the present one?

Mr. FESS. Yes; that is a fact.

Mr. WALSH of Massachusetts. If I recall correctly, the practice developed some 8 or 10 years ago, when I was a member of the Committee on Post Offices and Post Roads. I strenuously objected to the system of going outside, inviting private interests to purchase a location and erect a building, with the understanding that the Government would make a lease for a term of years which would repay in interest the capital invested. I then foresaw the evil consequences of such a system. I could not understand why a government with the wealth, with the security, with the permanency of our Government, should undertake such a policy. Indeed, the most prominent case called to our attention was the completing of a post-office site in the city of New York by private interests, to be leased by the Government of the United States for postal services. If my memory serves me correctly, a building was to be erected over the tracks of the Pennsylvania Railroad at the Pennsylvania Railroad station in New York.

I then sought to influence the members of the committee against such a policy. I could not see that anything would come out of it except favoritism, graft, and suspicion. Years have passed by and that is just what we have here now. The whole business is cloaked with a suspicion that private interests have gotten the ear of Government officials and have been able to go through the country purchasing locations, erecting buildings, and making contracts smacking of favoritism to certain interests. I fear, from the rumors that have come to me, that there may be disclosed some very shocking and frightful conditions as a result of that system.

What I rose to say, and to join with the Senator from Ohio in saying, was that in my judgment the present Postmaster General is free from any criticism along that line. I personally

believe that the procedure was born in the administration which has already become notorious for its association with corruption, and has continued from that time on unabated.

Mr. FESS. Mr. President, my only reason for rising at this time was to give the facts. I wanted to present the conditions as they are, because the statements yesterday were, I think, very unfortunate.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator yield to the Senator from Tennessee?

Mr. FESS. In just a moment. I do not desire to criticize anyone, but I would like to be privileged to suggest a caution that we do not take advantage of senatorial immunity to make statements, which if true, would be unfortunate, and if not true, equally unfortunate.

For that reason I sought the facts in the case, and I want to give them to the Senate without interruption now.

Mr. McKELLAR. Mr. President, before the Senator starts with that will he not yield?

Mr. FESS. If the Senator will not take too much time; I want to get the facts before the Senate.

Mr. McKELLAR. I want to ask a question. Outside of the particular statements to which the Senator has just called attention, when, after this contract was made with a cancelable provision in it, an attorney was selected by those in St. Paul who owned the building, and they sent that attorney down here to get the cancelable provision taken out of the contract, and he secured for the trifling reduction of \$775 a year out of \$120,755, and then went back home and issued \$400,000 of bonds on the basis of getting that cancelable provision out, did not that raise at least a suspicion in the Senator's mind that there was something peculiar about the transaction between that man and the Post Office Department here?

Mr. FESS. That might be a basis for investigation of the facts. I would not want to make the bald statement, without knowing the facts, that that indicated any criminal neglect, as was suggested. I want to know all the facts before I make such statements.

Now, Mr. President, I desire not to be interrupted until I give these facts, and I will call the attention of the Senator from Massachusetts to them.

In the month of October, 1920, during the term of office of Postmaster General Burleson, Otto N. Rath, postmaster at St. Paul at that time, appointed by President Wilson in 1915, interested J. P. Cowing in submitting a proposal to the Post Office Department for the lease of a postal station at St. Paul.

On January 27, 1921, Postmaster General Burleson's first assistant, John C. Koons, accepted a proposal of Cowing, Kulp, et al., for a lease of a building to be constructed by lessors on a parcel of ground opposite the Union Station at St. Paul for a period of 20 years from the date of the completion and occupancy of the building at \$120,775 per annum.

It was stated here that that property was worth only \$300,000, and that the rental payment was to be \$120,000. That seems to me inordinate, and it does seem to be a subject of criticism; but I want the Senators to realize that if that is subject to criticism, it is the criticism of the administration of President Wilson.

Mr. McKELLAR. Oh, no.

Mr. FESS. Oh, yes. It was accepted on January 27, 1921, and Harding was not inaugurated until March 4, 1921, and these terms are written in the contract. If it is subject to criticism—and it would appear to me that does not seem to be a rational figure—the criticism attaches to the administration of which the Senator from Tennessee was a part.

I am not here to make any open charge that there is anything criminal about it from neglect or otherwise, for I do not know the facts; but I do want these facts to be understood.

On completion of the building April 8, 1922, the lease agreed upon was executed by Postmaster General Will H. Hays.

That was a little over one year after Hays had assumed office.

December 11, 1924—

Two years after—

Postmaster General Harry S. New accepted a proposal for a new lease on the same premises, the lease being executed March 11, 1925.

March 7, 1928, the Federal grand jury at St. Paul, in a letter addressed to Hon. John B. Sanborn, judge of the United States district court, expressed the belief that the lease in question was tainted with fraud and corruption.

Now, I want this to be noticed:

Immediately, at the direction of Postmaster General New, further payment of rent under the provisions of the lease was stopped and no

payments have been made to lessors by the Post Office Department since February 29, 1928.

Subsequently the lessors began an action in the United States Court of Claims to collect the unpaid rent. The entire file relating to the leases in question was thereupon turned over to the Department of Justice to be used in the defense of the lawsuit referred to.

It was stated yesterday that it was difficult for a Senator to secure these files, that he had to get a subpoena to get them, and the implications were that the Post Office Department did not want to give them up. The facts are that the Post Office Department did not have the file, but it had been referred to the Department of Justice; and I understand that a Congressman interested in the matter had secured it from the Department of Justice.

I have here the language of Postmaster General Brown to me, speaking in the first person. I know every man here is fair and wants to get the facts. Says Postmaster General Brown:

I have never seen nor had access to the file during my term of office. I am informed that most of the time it has been at the Department of Justice, but that recently it has been in possession of Congressman MAAS, of Minnesota. During my term of office the leases in question have not been recognized by the Post Office Department in any particular. The only connection I have had with the controversy has been to direct an investigation to ascertain whether, in view of the charges made that the building is unsound, postal employees could safely work therein.

Since March 4, 1929, the Department of Justice has at all times had the matter in hand and has been taking appropriate steps to terminate the lease.

I asked the Postmaster General to read the record in reference to the inference that a bank of which he was a director had some of these bonds, evidently with the insinuation that the Postmaster General had something to do with it. He states:

I am informed by the president of the Toledo Trust Co., of which I am a director, that that institution has never owned or held as trustee or custodian any mortgage bonds on the postal station in question, or any other postal station leased to the Post Office Department by Jacob Kulp and his associates.

I think it is extremely unfair and hardly ever to be excused for anyone in this Chamber, protected by the immunity of his office, to make a suggestion that would indicate that an officer in charge of a governmental department is interested through his bank-holding issues of bonds in the company that is now in question. That is an unfortunate statement to be made when there is no foundation for it at all.

Mr. BLAINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FESS. I yield.

Mr. BLAINE. Is the Senator now reading from a statement the remarks he just made?

Mr. FESS. No; those were my own words.

Mr. BLAINE. May I call the Senator's attention to the fact that the statement that is now being read by him with reference to bonds that have been sold on the post-office leasehold has reference only to one station? I was making no charge with respect to the one station.

Mr. FESS. The Senator misunderstood me.

Mr. BLAINE. I was engaging in a discussion of the general situation, and the statement does not deny what I charged yesterday on the floor of the Senate.

Mr. FESS. I will read it again:

I am informed by the president of the Toledo Trust Co., of which I am a director, that that institution has never owned or held as trustee or custodian any mortgage bonds on the postal station in question or any other postal station leased to the Post Office Department by Jacob Kulp and his associates.

That is as broad as the field.

Mr. President, the Senator from Wisconsin has introduced a resolution asking for an investigation. I think, in view of what has been stated here, that it would be a proper thing to have such an investigation. In that connection the Postmaster General said:

I welcome an investigation of all leases executed by me as Postmaster General.

So far as I am concerned, I am going to favor the investigation in order that the facts may be brought out. What I am deeply impressed with—and because a personal friend is involved I am considerably hurt—is the suggestion that the Postmaster General or the President of the United States would be a party to anything as seemingly irregular as has been alleged here. Although I do not know any of the facts, I am ready to vote for an investigation to get all the facts.

It seemed to me that as a matter of fairness this statement should be made at this time.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Ohio yield to the Senator from Texas?

Mr. FESS. I yield.

Mr. CONNALLY. I have been very much interested in what the Senator said about making charges on the floor of the Senate that are not substantiated in fact. In view of that statement, does the Senator from Ohio think it quite fair to try to lay the blame for this situation upon the administration of Postmaster General Burleson?

Mr. FESS. I was afraid some one would get that reaction. I stated distinctly that I do not charge the administration with anything irregular because I do not have the facts. All I stated was that this lease was made by Mr. Burleson.

Mr. CONNALLY. I beg the Senator's pardon. The Senator's own statement shows that the lease was not made until April, 1921.

Mr. FESS. Oh, yes; the lease was accepted January, 1921.

Mr. McKELLAR. But when was the contract actually signed and who signed it? Did Mr. Burleson sign it or did Mr. Will Hays sign it?

Mr. FESS. On January 27, 1921, Postmaster General Burleson's first assistant, John C. Koons, accepted a proposal of Cowing, Kulp, and others, for a lease of a building to be constructed by lessors on a parcel of ground opposite the Union Station at St. Paul for a period of 20 years from the date of the completion and occupancy of the building, at \$120,775 per annum. On completion of the building, April 8, 1922, the lease agreed upon was executed by Postmaster General Will H. Hays. That was after the building was completed.

Mr. McKELLAR. Then it was not done by Mr. Burleson. Negotiations were started, as the Senator said, but the contract, as the Senator knows and as everybody knows, was signed by Will Hays. There was not any contract between the Government and this concern until it was signed by Postmaster General Hays. He was the only man who could act in the premises.

Mr. FESS. The Senator now is finding fault with Postmaster General Hays because he did not repudiate the contract of the Senator's own administration. That is all there is to it. We presently would have been subject to criticism on a political basis if we had said, "Here is a contract offered and completed by the former administration, but we will not go through with it." The Republican administration did not pursue that course.

Mr. CONNALLY. Mr. President, I have not gone into the facts with reference to the case in detail. I have listened to the debate, and I would not have made any remarks on the subject except for the statement of the Senator from Ohio [Mr. Fess]. The Senator from Texas is not prepared to say there has been any wrongdoing in this matter.

Mr. FESS. Neither am I.

Mr. CONNALLY. But the Senator from Ohio seeks to make the whole matter, whether it is wrong or whether it is right, retroactive to the administration of Postmaster General Burleson. Some facts have been cited by the Senator himself. I do not know what authority he has for making the statement, but I suppose the records of the Post Office Department with reference to the first negotiations in December, 1920. I suppose the statement of the Senator was compiled from information furnished by the Post Office Department.

Mr. FESS. From the records. I asked for the facts.

Mr. CONNALLY. Was there a written proposal and a written acceptance in December, 1920, in the matter the Senator mentions?

Mr. FESS. I suppose it was the usual order, whatever order the Postmaster General has.

Mr. CONNALLY. I thought the Senator just said that the department advised him about it.

Mr. FESS. It scarcely behooves the Senator from Texas to undertake to minimize the facts of record. The truth about the matter is that this thing was done during President Wilson's administration and nobody denies it.

Mr. CONNALLY. I am prepared to accept that, as far as the facts support it.

Mr. FESS. That is what I meant to say.

Mr. CONNALLY. I want to cite the conduct of the Senator from Ohio in coming here now and making the charge that the blame is attachable to the administration of Postmaster General Burleson.

Mr. FESS. I did not say that.

Mr. CONNALLY. If there is any blame—

Mr. FESS. I said the whole thing was started in his time. I do not know that there is any blame. I made no charge.

Mr. CONNALLY. I accept the Senator's statement, but the Senator even now does not know whether the statement he

makes with reference to it having been initiated in December, 1920, is supported by documentary evidence or whether it is merely a statement which the department has made to him. I submit that the Senator from Ohio is violating the very rule that he invoked here when he first took the floor in saying that statements which could not be supported and substantiated ought not to be uttered on the floor of the Senate.

Mr. FESS. Does the Senator deny the statement I have made?

Mr. CONNALLY. No; I do not deny it, because I am not in possession of all of the facts; but I want to show that the Senator himself is not prepared to state upon what basis his charges are founded. I asked the Senator if there is any documentary proof, and he said he presumed it was handled according to the usual custom in the department.

Mr. FESS. If the Senator would make an inquiry of the head of the department for the information, and the information came to him from the head of the department, would he question the accuracy of it?

Mr. CONNALLY. I am not questioning the accuracy of the Senator's statement.

Mr. FESS. I had not thought it worth while to go back and verify the facts as stated to me by the department.

Mr. CONNALLY. Certainly. The Senator from Ohio probably is going more deeply into the subject than some other Senators. The point I want to make is that I am not charging that the present Postmaster General is at fault. Personally I think very highly of the present Postmaster General. But even under the statements of the Senator from Ohio, which tend to reflect upon Postmaster General Burleson, what are the facts?

In December, 1920, evidently there was a need for additional postal facilities at St. Paul. What did the Postmaster General do? The sum and substance of the Senator's charges are that the Postmaster General initiated a movement to get added facilities and that in the January following the Assistant Postmaster General accepted the proposal. I do not know whether in writing or by word of mouth or by what means, but he accepted the proposal; that thereafter the building was finished, and when it was finished the then Postmaster General, Mr. Hays, in 1922 actually signed the contract. Mr. Burleson in 1920 could not have known whether the building was going to be worth \$1,000,000 or \$300,000 when finally completed.

Mr. FESS. The Senator has the figures wrong. The lease terms were \$120,775 annual rental, fixed by Mr. Burleson. I said the only question that looked to me irregular was that it was stated that the property was worth only \$300,000. It seems to me that is a pretty high rental, for at least I assumed that the rental would be based, of course, upon the value of the building, and a building to bring that rental should cost a great deal more money. I want the Senator from Texas to know that I am not making any charges that there was anything criminal about the matter or anything in the nature of criminal negligence. It has been so charged, and I was merely mentioning when the thing started. That was all.

Mr. CONNALLY. Let me suggest to the Senator from Ohio that the facts are that there was no contract signed and no binding obligation upon the Government executed until 1922.

Mr. FESS. The proposal was made and accepted. There is the contract.

Mr. CONNALLY. There was no contract signed until 1922.

Mr. BLAINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. CONNALLY. I will yield to the Senator from Wisconsin in just a moment.

At that time the building was finished. It was then the duty of the Post Office Department to determine whether the building was adequate and whether or not it complied with the specifications and requirements of the Post Office Department. There was no compulsion whatever upon Mr. Hays or anybody else to accept any deal if there was anything wrong with it or if it was an unconscionable contract or if it involved a compensation which was unwarranted by the facts. It was the duty of Mr. Hays and the then administration to repudiate the acts of Mr. Burleson if Mr. Burleson had done anything wrong.

The Senator from Ohio was in Congress during the administration of Mr. Burleson. Whatever he may say about Mr. Burleson, or whatever those who were wont to criticize him may say, there was never at any time, so far as I know, any charge or any suspicion that Postmaster General Burleson was not administering the affairs of the Post Office Department in the interest of the Government and with an eye to the economical administration of the department. One of the charges made against General Burleson was that he was too economical; that he was too careful with the Government's funds and the Government's money.

Mr. McKELLAR and Mr. FESS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Texas yield; and if so, to whom?

Mr. CONNALLY. I shall yield first to the Senator from Tennessee.

Mr. McKELLAR. I call the Senator's attention to this remarkable fact about General Burleson's administration. I had occasion to look it up some time ago. During the entire history of the Government, and even before it began under the leadership of the great man from Pennsylvania, Benjamin Franklin, there were in the history of the Government but 15 years when the Post Office Department showed a profit, and 6 of those 15 years were under the administration of Mr. Burleson.

Mr. BLAINE and Mr. FESS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Texas yield; and if so, to whom?

Mr. CONNALLY. I yield first to the Senator from Wisconsin and then I shall yield to the Senator from Ohio.

Mr. BLAINE. Supplementary to what the Senator has just said regarding the acceptance of this property and the entering into a lease on April 8, 1922, I know the Senator will appreciate the fact that at that time, when completed, the building was not according to specifications; it was not built as the original contract provided it should be built; it did not comply with the preliminary agreement entered into by Postmaster General Burleson. I thought the Senate ought to know that fact, and, if it be necessary, in order to convince the distinguished Senator from Ohio I shall present the official record.

Mr. GLENN. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CONNALLY. I shall yield in just a moment. I thank the Senator from Wisconsin for injecting those observations into the Record at this time. I was trying to point out a moment ago that it was the duty of the Postmaster General in 1922 when he came to execute the contract to ascertain the facts, just as the Senator from Wisconsin has pointed out; and if the specifications were not complied with, and if the proposals were not in accordance with the original acceptance, then it was the duty of the then Postmaster General to reject the contract rather than to come in here and say that to have done so would have been regarded as a repudiation of the administration of Mr. Burleson on political grounds.

Mr. GLENN. Mr. President, will the Senator from Texas yield to me?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CONNALLY. I yield.

Mr. GLENN. I am somewhat puzzled to understand the real facts about this situation. I understood the Senator from Texas to state two or three times that Postmaster General Burleson had entered into no contract. Now I understand the Senator from Wisconsin to say that the building as completed was not in accordance with the contract entered into by Postmaster General Burleson. I am wondering whether or not the Senator from Wisconsin can clarify that difference, the Senator from Texas taking the position that Postmaster General Burleson entered into no contract, and the Senator from Wisconsin taking the position that the building was not in accordance with the provisions of the contract entered into by Postmaster General Burleson.

Mr. BLAINE. Mr. President, will the Senator from Texas yield to me?

The VICE PRESIDENT. Does the Senator from Texas yield further?

Mr. CONNALLY. I yield.

Mr. BLAINE. I think there is some little confusion, due to the fact that there is too eager desire to take exceptions to mere technicalities. Mr. Burleson entered into a preliminary agreement for a lease of this building. Then, there were certain specifications made for the building, as the Government required. If I said there was an agreement as to that, I might have been technically mistaken in that respect; but there were specifications according to which the building was to be constructed.

Mr. GLENN. And the Government was to lease at this price?

Mr. BLAINE. I am not certain just how the Federal Government operated. I assume that there is a department in the Federal Government, or that there was at that time, which drew specifications, and all that sort of thing, and the contractor and the lessor knew what those specifications were. Whether that was, in fact, by way of contract or merely by way of operation of law, I am not prepared to say; but I am prepared to say that the preliminary agreement entered into by Mr. Burleson related to the amount of rental to be paid; and I

am also prepared to say that the building when completed did not meet the specifications as required by the Government.

Mr. CONNALLY. Mr. President, I thank the Senator from Wisconsin; I do not care to discuss this matter further, except to say that in December, 1920, when Mr. Burleson entered into whatever negotiations he did enter into with reference to this matter he then knew, of course, that he would go out of office in the following March; he knew then that this agreement would have to carry over into the next administration. Not one dollar of rental was paid by Mr. Burleson under the arrangement, whatever it was; not one advantage passed to him or to any of his friends, so far as I know, and so far as appears from the record. From 1922 until 1930 eight years have passed. If that transaction was wrong in April, 1922, it has been wrong ever since; it has been wrong for eight years. I make no charge against the present Postmaster General; I am sure he is not at fault, so far as the facts that have been brought to my attention are concerned, but preceding Postmasters General, if there be any fault, are the ones who are guilty of wrongdoing in this respect; and I merely rose to say—

Mr. KEAN. Mr. President, will the Senator yield to me?

Mr. CONNALLY. I shall yield in just a moment. I rose merely to undertake, in my own way, to vindicate the record of General Burleson, who is 2,000 miles away, who really needs no defense, because his record as Postmaster General, as has been so well pointed out by the senior Senator from Tennessee [Mr. McKellar], is one, when compared to that of other Postmasters General, which casts upon him and his administration very great distinction.

Mr. McKellar. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CONNALLY. I yield.

Mr. McKellar. There will not be any trouble about getting the exact facts as to who is responsible for this contract. Such contracts are made by the First Assistant Postmaster General, as we all know. It happens that Mr. John C. Koons, who was First Assistant Postmaster General in the closing days of the Wilson administration, lives in this city. I have just telephoned to his office but find that he is out of the city to-day. He will be here to-morrow and I have no doubt that the facts can be ascertained. If they can not be ascertained before that time, I am determined that they shall be ascertained when the resolution of the Senator from Wisconsin [Mr. Blaine] shall be considered. I do not believe that the Burleson administration had one earthly thing to do with this infamous contract which has been discussed here.

Mr. KEAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Jersey?

Mr. CONNALLY. I yield to the Senator, if he desires me to do so.

Mr. KEAN. The only remark I wish to make is that the Senator from Texas fails to realize that for more than three years the Government of the United States has not paid any rental for this post office. So when he talks about eight years having elapsed he has got to subtract those three years.

Mr. CONNALLY. I gladly subtract three years, because a great deal can always be subtracted and still there will be plenty left.

Mr. BLAINE. Mr. President, I desire briefly to discuss the three exceptions which the Senator from Ohio took from my remarks, and I, indeed, would be very happy if the Senator from Ohio would remain while I discuss those three exceptions.

Mr. FESS and Mr. HEFLIN addressed the Chair.

Mr. BLAINE. I have the floor.

The PRESIDING OFFICER (Mr. McCulloch in the chair). The Senator from Wisconsin has the floor.

Mr. FESS. Will the Senator yield to me for a moment?

Mr. BLAINE. I yield.

Mr. FESS. On behalf of the junior Senator from Illinois [Mr. Glenn], who was called from the Chamber on business, I ask unanimous consent to have inserted in the Record at this point a telegram and a letter on the subject now under consideration by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram and letter are as follows:

CHICAGO, ILL., April 8, 1930.

OTIS F. GLENN,

United States Senator, Washington, D. C.:

In order protect rights hundreds widely scattered and innocent holders commercial station postal bonds, we believe any legislative action caused by the Government to legislate relative to the lease or the rental thereunder is entirely unjustifiable. It would appear that the Government is employing various methods to acquire this property and is

making a serious mistake in attempting to cite in its own defense what it claims is its own negligence and assume, as it does, that the lease rental was excessive, which, of course, can not be taken for granted and certainly is not admitted. The efforts on the part of certain Congressmen and Senators to cancel or reduce the appropriation for rent under the existing lease is an attempt to destroy by legislation a lease which was contracted in good faith, and the public purchased the securities on this same understanding. Certainly the Government should have no rights accrue to it where it was a party to the lease that would not accrue to an individual. We respectfully urge that the Post Office appropriation bill be passed as recommended by the Post Office Department, including commercial station appropriation, and let the matter proceed in regular manner in the courts. Believe this matter comes up to-day.

CHICAGO TITLE & TRUST CO.,
Trustee Commercial Station First Mortgage Bonds.

GENERAL DELIVERY,
Paris, Ill., April 8, 1930.

United States Senator OTIS GLENN,

Washington, D. C.

DEAR MR. SENATOR: I wish to call your attention to the fact that on March 6, 1925, I purchased \$6,000 (par value) Commercial Station Post Office (Inc.), of St. Paul, Minn., first-mortgage 6 per cent sinking fund gold bonds, dated January 15, 1925; due July 15, 1941; relying on the good faith of the Government in carrying out the provisions of its lease on the property, which lease is part of the security of the bonds.

I shall continue to look to our Government with the expectation that the proper departments will take no steps whatsoever to destroy the value of these securities. I trust you will give this matter due consideration, to prevent the bondholders being victimized.

Very truly,

ZELLA JONES (widow).

Mr. GOLDSBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram on the subject under discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The communication is as follows:

BALTIMORE, MD., April 7, 1930.

Senator PHILLIPS LEE GOLDSBOROUGH,

United States Senate:

For a number of years we have been active in financing post-office bonds under irrevocable lease to the United States Government Post Office Department. Our position has been based principally upon the terms of such leases and our faith in performance of contract by Government. Recent agitation before the Senate seems to tend toward repudiation of certain such obligations and, in the meantime, to shake the confidence of many innocent investors in Maryland and elsewhere. Understand Senate appropriation bill will be presented to-day and attempt made to amend committee's report by specifically designating a reduced rental for the St. Paul commercial station post office. Hope you will use your influence to eliminate any legislation in conflict with or in repudiation of Post Office Department's contract.

ROBERT GARRETT & SONS.

Mr. HEFLIN. Mr. President, will the Senator from Wisconsin yield to me for two or three minutes?

Mr. BLAINE. I am sorry I can not yield for a speech, because the Senator from Ohio [Mr. Fess] informs me that he must soon leave the Chamber, and he desires to be present, and I asked him to be present while I discuss the three exceptions that he took to my remarks of yesterday; so I hope the Senator will understand why I prefer not to yield at this time.

Mr. HEFLIN. If the Senator is going to speak until 5 o'clock, we shall adjourn about that time.

Mr. BLAINE. I am not going to speak very long.

Mr. President, I understood from the Senator from Ohio [Mr. Fess] that there were three matters to which he took exception in relation to my remarks of yesterday. If I am mistaken as to the exceptions he has noted, I trust he will correct me during my statement.

He takes exception first to this paragraph:

I want to say, Mr. President, that every record in this case, every fact in this case earmarks the Post Office Department with a knowledge of the fraud, with the knowledge of the corruption, if not actual participation therein.

Mr. President, standing here in the Senate of the United States, I appreciate that I have a certain immunity; but the time will soon come, in the course of a few weeks, when I shall repeat that paragraph in a place where I shall not be shielded by any immunity. I conscientiously believe now that these leases—not only this St. Paul lease but many of these other leases—have been conceived in fraud, have been executed in fraud, and that the Post Office Department has known of that

fraud, and therefore has guilty knowledge of it, and has been culpably negligent in the performance of its duty.

The second paragraph to which the Senator takes exception is this:

This report was in the files of the Post Office Department which I obtained under subpoena not against the Post Office Department but against a Member of the other House who had possession of that file, and who was threatened by the Attorney General's Department that a secret-service agent of that department would take possession of those files.

The facts upon which the subpoena was based were given by an honorable Member of the House of Representatives. I believed him then. I believe that statement to be true now and that that Representative, either on the floor of the House in which he serves or where there is no immunity shielding him, will repeat those facts.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. FESS. Does the Senator make his language broad enough to include his indictment of the present administration?

Mr. BLAINE. In this particular paragraph?

Mr. FESS. In both of them.

Mr. BLAINE. This particular paragraph particularly refers to the present Attorney General of the United States.

Mr. FESS. I do not know what is the legal liability of a department of justice that may have the files in a case which is now in litigation—whether or not the head of that department would be perfectly free to let them go to some one, even a Congressman, who wanted them.

Mr. BLAINE. Mr. President, let us be perfectly frank about these matters with ourselves and with the country. The files to which I have referred may not be regarded as so precious, because the larger part of them are carbon copies of the original files which must be in the possession of the present Postmaster General if he has conducted that office as it should be conducted.

Mr. FESS. The present Postmaster General has stated that he has not seen the files; that they have been with the Attorney General since he has been in office.

Mr. BLAINE. Mr. President, I think the record will disprove that statement of the Postmaster General; and I should be very happy to cross-examine the Postmaster General upon the witness stand when he is put under oath, and I think then we should be able to develop exactly what has happened to the files.

Mr. FESS. The Senator is a trained lawyer and will be acquainted with the rights in this particular incident. Assume that the Senator is the Attorney General and there is a case involving a lawsuit which is now in litigation. The files covering the case are with him. Some outside party demands the files. Would the Senator have any hesitancy in allowing the files to leave his office?

Mr. BLAINE. No hesitancy, whatever. If I were Attorney General, under the circumstances I should have taken into my confidence Congressman MAAS, from Minnesota. I should have taken into my confidence the committees of the respective Houses and Members of Congress. I should have advised them of all the facts; and upon request, and for their convenience, I should have furnished them with a copy of every file in my possession and I would have made the files available to them. That the Attorney General has not done. There has been a resistance—a silent resistance at times, but apparently a design to suppress and to hush up this thing. There has not been cooperation between the Attorney General's department and the Members of Congress in order to ferret out the facts in this case; and the Attorney General stands responsible for that lack of cooperation. I can also say, Mr. President, that the Postmaster General has not been frank in this matter.

I have had one clerk on this proposition for weeks, ever since the subpoena was issued and the committee investigating lobbying took possession of these records; and we have been unable to receive the least bit of cooperation from the Post Office Department. And then it is said that my remarks are "caustic" when I charge here that the Post Office Department has been culpably negligent in this whole transaction!

Mr. President, I do not withdraw or qualify the excerpts from my remarks of yesterday, and they will be repeated in those places where I am not hedged about by any immunity. As for myself, I shall not make comment on this floor that I would not make outside of this Chamber. I have as much responsibility to the constituency of my State and citizens of this country as I have to the membership of the Senate. That is my attitude upon public questions.

The other exception to my remarks, as I understand, is to the statement contained on page 6713, where I said:

Mr. President, if the Senate adopts the resolution which I submitted this morning, no doubt some of those bonds will be traced to the Toledo Trust Co., in which, I am informed, the Postmaster General is or was a director.

Mr. President, a directory of trust companies and banks is in the Congressional Library, and I find in it the name of W. F. Brown as a director of the Toledo Trust Co. I understood and now understand that that is Walter F. Brown, who is Postmaster General. I do not understand that Mr. Brown denies that statement. As I understand, the only thing he denies is that bonds of this particular project, the St. Paul project, or any other post-office bonds in which Jacob Kulp has an interest, have ever been handled by the Toledo Trust Co.

Mr. FESS. Does the Senator state that the statement of the Postmaster General is not correct? The Senator made the statement that these bonds would be likely found in the hands of that company and I denied that statement.

Mr. BLAINE. Mr. President, either the Senator from Ohio or the Postmaster General was not careful in reading my remarks. Just prior to the sentence to which the Senator takes exception I had said this:

How do they finance these things? I quote from their own brief on this particular station—and what is said here applies to all of them.

Then I quoted from their own literature, and I said that that applies to all of the bonds of this whole combination which is engaged in obtaining leases from the Government on post-office buildings.

Mr. FESS. Then the Senator did not mean that some of the bonds issued in what he claims to be a crooked deal in St. Paul had reached the bank of which Mr. Brown, the present Postmaster General, is a director?

Mr. BLAINE. If the Senator will recall, at the opening of my remarks yesterday I said that I was not going to discuss in detail the St. Paul situation; that I thought the larger aspect demanded a discussion of this whole system of leasing these buildings, and practically all of my remarks were directed to that proposition; and I used the St. Paul situation only to illustrate my point on the general proposition.

I want to say to the Senator now that I have no personal knowledge whether or not the Toledo Trust Co. has purchased or sold any of these bonds. I was informed by a responsible Member of the House that he had been informed and that it was his belief, and upon that I based my belief, that the Toledo Trust Co. had something to do with some of these bonds.

Mr. FESS. When the Senator says "some of these bonds," he means postal bonds connected with the St. Paul incident?

Mr. BLAINE. I am speaking now of the \$150,000,000 of bonds that have been issued on various projects.

Mr. FESS. I know the Senator wants to be fair. Does not the Senator think, in view of this particular situation in St. Paul which has been so severely criticized, that when he used that expression, and referred to the Postmaster General being a director of this bank, that implied a corrupt intent on the part of the Postmaster General?

Mr. BLAINE. Mr. President, I made no such inference. I was discussing this whole situation. I put before the Senate the official facts. I placed before the Senate my conclusions, which I had a right to do. I placed before the Senate information which had come from reliable sources.

For inferences which may be drawn by the public, by Members of the Senate, by representatives in the press gallery I am not responsible.

Mr. FESS. I think the Senator is.

Mr. BLAINE. It is not for me to interpret every single sentence and phrase any more than the Senator from Ohio interprets every single sentence and phrase as he makes some of his most eloquent addresses.

Mr. FESS. If the Senator will permit, I think he is responsible for the inferences that are made along the lines I have suggested here from what he said yesterday.

Mr. BLAINE. Mr. President, I make no inference. I said:

Mr. President, if the Senate adopts the resolution which I submitted this morning no doubt some of those bonds will be traced to the Toledo Trust Co., in which, I am informed, the Postmaster General is, or was, a director.

There could be no plainer statement than that. No misconstruction should be placed upon it, in my opinion, by the Senator from Ohio. I am perfectly willing to stand upon that statement. I am perfectly willing to accept the word of an honorable Member of either House of Congress.

Mr. President, I intend to conclude very shortly. On yesterday, in commenting upon this proposition, I said this:

Mr. President, these ramifications—

Referring to the financial ramifications—
will be found going to the First National Bank of Williamsport, Pa. I mention these two banks—

Having mentioned the Toledo Trust Co. theretofore—
not to criticize them as banking institutions, but because I am trying to outline how these post-office substations are financed.

I have a telegram from the Williamsport National Bank, and I will read that telegram for the RECORD. It is from Williamsport, Pa., and I think it is dated April 9. It may be the 8th. Anyway, it was sent out last night from Williamsport, Pa., addressed to Hon. JOHN J. BLAINE, United States Senate, Senate Chamber, Washington, D. C., and reads as follows:

Confirming our telephone conversation last night, may I say that our attention has been called to the resolution offered by you yesterday, calling for a Senate investigation of the post-office building leases and the statement made by you before the senatorial body that ramifications went to the First National Bank of Williamsport, Pa., which statement naturally causes us some surprise, as the bank has no knowledge and no connection, direct or otherwise, with the matter which is to be the subject of inquiry. Your statement over the telephone that there had come to your notice a letter signed by William P. Beeber prompted an inquiry of this gentleman, who is chairman of the board of directors of the First National Bank, and by whom we are advised that some weeks ago at the instance of a business associate addressed a letter to Senator GRUNDY and to Congressman KIESS in words and figures substantially as follows:

"I am informed that an effort is being made by Congressman MAAS, of Minnesota, to have the Government upset post-office leases, inasmuch as there are a very large number of such leases scattered throughout the country having various length of expiration dates and upon which there has been sold to the public a total of something like \$150,000,000 of securities. It would occur to me that it would pay you to look into this situation and not permit any hasty action to precipitate what might become an unfortunate situation for the entire country."

We assume that it is one of these letters that came into your possession and that your statement in respect to ramification to the First National Bank of Williamsport, Pa., was made with the idea of giving a source of the information, and without any intent on your part of involving this bank in the matter that is subject of investigation.

That statement in that sentence is correct. I continue reading:

May we again assure you that our bank has no knowledge of the matter being investigated, and that the letter written by Mr. Beeber was unofficial; written on his own initiative as a private individual and prompted by patriotic motives, I was therefore glad to receive your assurance over the telephone that you intended no criticism of the First National Bank of Williamsport, Pa., and that your statement was not to be regarded as any implication of our institution.

EDWARD LADLEY, President.

Mr. President, the letter to which they refer was on the stationery of the First National Bank, with the picture of the bank on the stationery. I was informed by telephone, by an officer of the bank, that the writer of that letter is a director of the bank, though he does not reside in Williamsport, that some time ago he received a communication from a gentleman by the name of Carl Roos—that was as near as I could ascertain the name by telephone, there being some difficulty owing to interference—Carl R-o-o-s, of Cairo, Ill., who is connected with a local bank in Cairo, Ill., and who transmitted by mail a letter to Mr. Beeber, of the First National Bank of Williamsport, Pa., giving the information which Mr. Beeber relayed to Senator GRUNDY and Congressman KIESS, of Pennsylvania.

So that the ramifications to the First National Bank of Williamsport, Pa., came from some one interested in a bank in Cairo, Ill., respecting these bonds. I assume the appeal was made to this director of the Williamsport bank to get in touch with Members of Congress and in some way to prevent an investigation.

I am quite willing to accept the statement of the president of the First National Bank of Williamsport, Pa., that the bank, as such, had no interest in or connection with the matter whatever, and the telegram correctly states my attitude. I am very glad to have this information made of record.

Mr. President, there is one other matter to which I desire to call attention. On yesterday I made the statement, in response to a question of the Senator from Minnesota [Mr. SHIPSTEAD], as contained on page 6710 of the RECORD:

A certain influential politician in this country came to Washington, who, it is claimed—and I think reports will justify what I am about to say—informed the Postmaster General that he had gone to General McCarl and obtained his approval.

Referring to an approval of this particular lease. In the first column on the next page this appears as having been said by me:

Mr. President, permit me to suggest at this point that the information I gave, I want to advise the Senate, is hearsay. It is made, however, by a gentleman who claims to know the facts, who was an official of this Government, and he was a diligent official, diligent in the performance of his duty in connection with this very lease.

Mr. President, so far as my information yesterday was concerned, the information was hearsay, and obtained from the official to whom I referred, but the information which he gave me was not hearsay information. The information given to me, and which I repeated on the floor of the Senate, was taken from the official records in the Post Office Department, and I shall read that record. This is from the memorandum of June 29, 1928, by R. S. Griggs and Robert Lewis, post-office inspectors. I will quote the two paragraphs:

Mr. Good visited Washington and interviewed the Postmaster General and others. He informed the Postmaster General that General Lord and Comptroller McCarl had approved of the plan—

They were reporting upon the St. Paul situation—

as there was to be a material gain to the department.

We are informed that General Lord has no recollection of having talked with Mr. Good. Comptroller McCarl has no recollection of the event, but states that he could not have approved such a proposition in advance.

Mr. President, I think I have discussed this matter as fully as I care to at this time. I have endeavored to give the Senate the benefit of official facts, and such facts as I believe to be correct. But eliminating from my remarks all reference to any but facts obtained from official sources, which have been in the possession of the Post Office Department ever since some time in 1923, the official records prove beyond a peradventure of a doubt that not only the St. Paul lease but in all probability many other leases were conceived in fraud, that they constitute fraudulent leases, that the officers of the Government responsible for the administration of the law know there was fraud, and that those officers have been guilty of culpable negligence.

I repeat the charge, and I do not withdraw one single statement, either as to the facts or as to a single conclusion which those facts have impelled me to draw.

PERSONAL EXPLANATION—TESTIMONY OF MR. RASKOB BEFORE LOBBY COMMITTEE

Mr. SIMMONS. Mr. President, I rise to a question of personal privilege. I send to the clerk's desk and ask to have read the marked portion of an article appearing in yesterday's Washington Post written by Mr. Carlisle Barger.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

The battle for national committee chairmen's scalps increased in its intensity and broke across party lines yesterday as it became very apparent that the Simmons forces of North Carolina had joined with the Republicans in their effort to obscure the Democratic issue against Chairman Claudius Huston by attacking Chairman Raskob.

Mr. SIMMONS. Mr. President, the statement made in that portion of the article from the Post, which has just been read by the clerk, with reference to me and the so-called "Simmons forces," is utterly untrue. There is absolutely no foundation in fact for any such statement.

I knew absolutely nothing about the purpose of the Senator from Indiana [Mr. ROBINSON] to call either Mr. Raskob or Mr. Daniels before the lobby committee, except what I had read in the newspapers, and I had had no communication of any kind with the Senator from Indiana upon that subject.

So far as I know, Mr. ROBINSON, the Senator from Indiana, in what he did, was acting entirely upon his own initiative; certainly he was not acting upon any suggestion from me or anyone authorized to represent or speak for me.

There are many other things in this article with reference to me and my supporters that are likewise unwarranted by the facts and are merely the conjectures, speculations, or conclusions of an agile and inventive mind, unfriendly to me and intent upon serving some special interest or purpose.

There may have been a great deal of bolting of the national Democratic ticket in North Carolina and throughout the Nation among Democrats in the last presidential campaign, some bolting the ticket and some bolting the platform and the principles and policies of the party; but of all the bolters, according to his own testimony, Mr. Raskob, the chairman of the Democratic National Committee, was the greatest, because according to his own confession he was contributing large sums of money which

he knew would be used to defeat Democratic dry candidates for Congress. Mr. Raskob's attitude in this respect would seem to indicate that he preferred a wet Congress as well as a wet President.

POLITICAL CONDITIONS IN NORTH CAROLINA AND ALABAMA

Mr. HEFLIN. Mr. President, the able Senator, the great Democratic Senator from North Carolina [Mr. SIMMONS], needs no defense at my hands or at the hands of any other Democrat here or elsewhere. He is now the ablest Senator from the great South. He has been the leader of the Democratic Party in his State for a long, long time. Because he could not conscientiously follow the wet Raskob-Tammany-Smith leadership in 1928, Raskob and his wet Tammany régime have decided to destroy him if possible.

In an inspired article, written by their handy man, the bully boy Barger, they have connected me with the situation and insinuate that through some sort of connivance on the part of the Republicans I was trying to help obscure some issue arising in relation to Mr. Huston.

Mr. President, the insinuation is false and villainous. I have no objection whatever to an investigation of Mr. Huston. If he has done anything that he ought not to have done, it ought to be exposed. I have no objection to an investigation of Mr. Raskob. I did not know that he would be summoned before the lobby committee; I knew nothing about it until he had been summoned. Since the disclosures made by the lobby committee I am convinced that it was a very wise and a very proper thing that he was summoned. I think we have come to a miserable pass in our party when we have a chairman of the great national committee contributing money by the thousands and tens of thousands of dollars—\$35,000 to date—to elect wet Republicans and to defeat dry Democrats for Congress. That is what Mr. Raskob is engaged in doing. He admits it.

Mr. Raskob supported a negro for Congress in St. Louis during the campaign of 1928. His leadership gave sanction and aid to this negro wet who was running against a white man. And now we find Mr. Raskob at the head of the great national party of Thomas Jefferson, of Andrew Jackson, of Grover Cleveland, and Woodrow Wilson, the last two of whom denounced the organization to which Raskob belongs in New York, to wit, Tammany, as the most corrupt and villainous political organization in the United States.

I know, Mr. President, that this man Raskob is using his handy man Barger to spread his propaganda, and it would be a good idea to summon Barger before the lobby committee. I would like to have them ask Barger what manner of "influence" has reached his person and how well they are oiling his newspaper apparatus to write these stories. I think they are oiling his machinery right well because he writes like he is Raskob inspired.

Mr. President, I know that Mr. Raskob and his wet régime are seeking to do injury to the great Senator from North Carolina [Mr. SIMMONS], but I know the people of that State. I have spoken all over his State. I know how the people love him and his colleague in this body. I know they are brave, upstanding Democrats. The people of North Carolina are willing to accord to Senator SIMMONS the right to do what he feels he ought to do in a great crisis like we had in 1928, just as the Democrats of my State accorded that right to me.

Mr. Raskob has gone into my State and has undertaken to influence and has influenced some of the members of the State committee in Alabama; but it will not work. The Democrats all over the State—those who voted for Smith and those who voted for Hoover—are rebelling against this Raskob arrangement by the State committee. The supreme court now has the case under consideration and I am hoping and believing that within a few days it will decide that we are to have a fair and just old-time Democratic primary to let the Democrats of my State decide who they want to vote for and whether or not I am to be nominated again as their candidate for the Senate. The Raskob-influenced 27 men of the State committee have pursued a course fraught with grave danger to the party. They have sought to politically assassinate me and the fair-minded Democrats in Alabama are not going to stand for it.

It is too plain that the wet-Roman-Tammany régime has determined to drive Senator SIMMONS and me from the Senate. As for myself, I defy them! Alabama Democrats are not for sale. I will whip their Raskob candidate in my State either in a Democratic primary or as a Jeffersonian Democrat in the general election. Nobody doubts my Democracy. I was born a Democrat, reared a Democrat. I know what Democratic principles are. When the great crisis came in 1928 and Smith had deliberately bolted the platform upon which he was nominated and went out of the Democratic Party over the head of every Democrat in the country to name a Roman Catholic Republican

as chairman of the Democratic National Committee, the things he stood for, and the alien influences back of him, I could not conscientiously support him and I did not.

Mr. President, the Democratic Party of the South is not going to follow the leadership of this wet-Roman-Tammany crowd. The Democratic Party of the South can not accept the ideals, the ideas, and the principles of that Tammany leadership. Now, we come to the pitiful pass of a man sitting at the head of the great Democratic Party of the Nation, contributing his money to help elect wet Republicans against Democrats who differ with him upon the prohibition question. I call upon him to resign. I want to say here and now that Mr. Raskob can not get as many as five Democrats in the Senate to say that he should remain chairman of the Democratic National Committee. I assert here to-day that there are not five Democrats in this body who will rise in their places and say that they do not think that Raskob should resign. I assert that there are not 15 Democrats in the House, outside of the Tammany Representatives, who will rise in their places and say that they think he ought not to resign.

Now, let Raskob and Barger put this matter to the test. The sooner Raskob resigns the better it will be for the Democratic Party.

RECESS

Mr. McNARY. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 10, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 9 (legislative day of April 8), 1930

COAST GUARD

Ensign (Temporary) John S. Merriman, jr., to be a Lieutenant (junior grade) (temporary) in the Coast Guard of the United States, to take effect from date of oath.

POSTMASTERS

ALABAMA

Henry H. Farrar to be postmaster at Blocton, Ala., in place of H. H. Farrar. Incumbent's commission expires April 15, 1930.

Kate B. Quillin to be postmaster at Clayton, Ala., in place of K. B. Quillin. Incumbent's commission expired April 5, 1930.

Alma S. Ballow to be postmaster at Faunsdale, Ala., in place of J. L. McKay. Incumbent's commission expired December 15, 1929.

John H. Walls to be postmaster at Guntersville, Ala., in place of J. H. Walls. Incumbent's commission expired April 5, 1930.

Frank M. Johnson to be postmaster at Haleyville, Ala., in place of F. M. Johnson. Incumbent's commission expires April 15, 1930.

George C. Adams to be postmaster at Ragland, Ala., in place of G. C. Adams. Incumbent's commission expires April 15, 1930.

Exa B. Carroll to be postmaster at Slocumb, Ala., in place of E. B. Carroll. Incumbent's commission expired April 5, 1930.

ARKANSAS

James R. Demby to be postmaster at Hot Springs National Park, Ark., in place of Cary Johnson. Incumbent's commission expired March 22, 1930.

CALIFORNIA

Alvin L. Woodin to be postmaster at Atascadero, Calif., in place of A. L. Woodin. Incumbent's commission expired April 3, 1930.

Lena E. Reed to be postmaster at Ludlow, Calif., in place of L. E. Reed. Incumbent's commission expired April 3, 1930.

Joseph A. Schweinitzer to be postmaster at Martinez, Calif., in place of N. K. Cushing. Incumbent's commission expired February 27, 1930.

William F. Knight to be postmaster at Pasadena, Calif., in place of W. F. Knight. Incumbent's commission expired April 3, 1930.

John R. Chace to be postmaster at San Jose, Calif., in place of J. R. Chace. Incumbent's commission expired April 5, 1930.

COLORADO

William A. Baghott to be postmaster at Kit Carson, Colo., in place of W. A. Baghott. Incumbent's commission expired April 5, 1930.

CONNECTICUT

Oliver F. Toop to be postmaster at South Manchester, Conn., in place of O. F. Toop. Incumbent's commission expired April 5, 1930.

DELAWARE

Katherine M. Prettyman to be postmaster at Ellendale, Del., in place of E. F. Whitney, resigned.

ILLINOIS

Carl A. Helwig to be postmaster at Blue Island, Ill., in place of F. T. E. Kallum, deceased.

Lacey D. Irwin to be postmaster at Kane, Ill., in place of L. D. Irwin. Incumbent's commission expired March 27, 1930.

William K. McDaniel to be postmaster at Martinsville, Ill., in place of C. W. McDaniel. Incumbent's commission expired January 30, 1930.

Henry W. Schilling to be postmaster at Noble, Ill., in place of H. W. Schilling. Incumbent's commission expired March 27, 1930.

INDIANA

William M. Lyon to be postmaster at Hillsboro, Ind., in place of W. M. Lyon. Incumbent's commission expired April 3, 1930.

Clen Miller to be postmaster at Rushville, Ind., in place of A. L. Riggs. Incumbent's commission expired December 15, 1929.

IOWA

John L. Gallagher to be postmaster at Eddyville, Iowa, in place of J. L. Gallagher. Incumbent's commission expires April 13, 1930.

Earl E. Shibley to be postmaster at Lone Tree, Iowa, in place of E. E. Shibley. Incumbent's commission expired April 5, 1930.

Harold A. Marmon to be postmaster at Mitchellville, Iowa, in place of H. A. Marmon. Incumbent's commission expired April 5, 1930.

Andrew F. Parker to be postmaster at Redding, Iowa, in place of A. F. Parker. Incumbent's commission expired April 5, 1930.

Frank M. Abbott to be postmaster at Osceola, Iowa, in place of J. E. Graves. Incumbent's commission expired December 18, 1929.

KANSAS

Laura Kesler to be postmaster at Edna, Kans., in place of Laura Kesler. Incumbent's commission expired April 5, 1930.

Charles N. Shafer to be postmaster at Fredonia, Kans., in place of C. N. Shafer. Incumbent's commission expires April 14, 1930.

Elizabeth Simpson, to be postmaster at Medicine Lodge, Kans., in place of Elizabeth Simpson. Incumbent's commission expired April 8, 1930.

Minnie C. True to be postmaster at Pittsburg, Kans., in place of M. C. True. Incumbent's commission expired April 5, 1930.

John M. Cable to be postmaster at Toronto, Kans., in place of J. M. Cable. Incumbent's commission expired April 8, 1930.

KENTUCKY

Robert H. Ledford to be postmaster at Paint Lick, Ky., in place of R. H. Ledford. Incumbent's commission expires April 9, 1930.

MASSACHUSETTS

Raymond C. Hazeltine to be postmaster at Chelmsford, Mass., in place of R. C. Hazeltine. Incumbent's commission expires April 13, 1930.

James R. Tetler to be postmaster at Lawrence, Mass., in place of J. R. Tetler. Incumbent's commission expires April 13, 1930.

William F. Searle to be postmaster at Peabody, Mass., in place of W. F. Searle. Incumbent's commission expired April 3, 1930.

Myron M. White to be postmaster at South Duxbury, Mass., in place of M. M. White. Incumbent's commission expires April 13, 1930.

Sara H. Jones to be postmaster at West Barnstable, Mass., in place of S. H. Jones. Incumbent's commission expires April 13, 1930.

MICHIGAN

James R. Dean to be postmaster at Boyne City, Mich., in place of J. R. Dean. Incumbent's commission expired April 5, 1930.

Fred W. Cutler to be postmaster at Fairgrove, Mich., in place of F. W. Cutler. Incumbent's commission expires April 13, 1930.

Harvey Tewksbury to be postmaster at Kingston, Mich., in place of Harvey Tewksbury. Incumbent's commission expired April 5, 1930.

Florence J. Smith to be postmaster at Ortonville, Mich., in place of F. J. Smith. Incumbent's commission expired April 5, 1930.

Fred J. Smith to be postmaster at Pickford, Mich., in place of F. J. Smith. Incumbent's commission expired April 5, 1930.

Charles P. Neumann to be postmaster at Rochester, Mich., in place of C. P. Neumann. Incumbent's commission expired April 5, 1930.

MINNESOTA

Cleifton M. Krogh to be postmaster at Argyle, Minn., in place of C. M. Krogh. Incumbent's commission expires April 15, 1930.

Merton E. Cain to be postmaster at Carlton, Minn., in place of M. E. Cain. Incumbent's commission expires April 13, 1930.

Johannes A. Bloom to be postmaster at Chicago City, Minn., in place of J. A. Bloom. Incumbent's commission expires April 15, 1930.

Ingebrigt A. Hanson to be postmaster at Frost, Minn., in place of I. A. Hanson. Incumbent's commission expires April 13, 1930.

Charles F. Whitford to be postmaster at Henderson, Minn., in place of C. F. Whitford. Incumbent's commission expires April 15, 1930.

Edith A. Marsden to be postmaster at Hendrum, Minn., in place of E. A. Marsden. Incumbent's commission expires April 15, 1930.

George M. Young to be postmaster at Perham, Minn., in place of G. M. Young. Incumbent's commission expires April 15, 1930.

William J. Colgan to be postmaster at Rosemount, Minn., in place of W. J. Colgan. Incumbent's commission expires April 15, 1930.

Harvey Harris to be postmaster at Vesta, Minn., in place of Harvey Harris. Incumbent's commission expires April 15, 1930.

Francis H. Densmore to be postmaster at Wilmont, Minn., in place of F. H. Densmore. Incumbent's commission expires April 15, 1930.

MISSISSIPPI

James C. Reddoch to be postmaster at Quitman, Miss., in place of J. C. Reddoch. Incumbent's commission expired April 5, 1930.

MISSOURI

Archie C. Atterberry to be postmaster at Atlanta, Mo., in place of A. C. Atterberry. Incumbent's commission expired April 3, 1930.

Laura G. McKay to be postmaster at Troy, Mo., in place of L. G. McKay. Incumbent's commission expired April 3, 1930.

Wilbur N. Osborne to be postmaster at Williamsville, Mo., in place of W. N. Osborne. Incumbent's commission expired April 5, 1930.

MONTANA

Leon E. Phillips to be postmaster at Highwood, Mont., in place of L. E. Phillips. Incumbent's commission expires April 15, 1930.

Rose M. Sargent to be postmaster at Nashua, Mont., in place of R. M. Sargent. Incumbent's commission expires April 15, 1930.

Letta Conser to be postmaster at Plevna, Mont., in place of Letta Conser. Incumbent's commission expires April 15, 1930.

Marie I. Moler to be postmaster at Reedpoint, Mont., in place of M. I. Moler. Incumbent's commission expires April 15, 1930.

NEBRASKA

Fred H. Herrlein to be postmaster at Deshler, Nebr., in place of F. H. Herrlein. Incumbent's commission expires April 13, 1930.

Herbert H. Ottens to be postmaster at Dunbar, Nebr., in place of H. H. Ottens. Incumbent's commission expires April 13, 1930.

Henry E. Schemmel to be postmaster at Hooper, Nebr., in place of H. E. Schemmel. Incumbent's commission expires April 13, 1930.

NEVADA

John E. Drendel to be postmaster at Minden, Nev., in place of J. E. Drendel. Incumbent's commission expired April 5, 1930.

NEW HAMPSHIRE

Archie W. Johnson to be postmaster at Bartlett, N. H., in place of A. W. Johnson. Incumbent's commission expires April 14, 1930.

George W. Robie to be postmaster at Hooksett, N. H., in place of A. G. Robie, resigned.

Benjamin H. Dodge to be postmaster at New Boston, N. H., in place of B. H. Dodge. Incumbent's commission expired April 5, 1930.

NEW JERSEY

George E. Obodyke to be postmaster at Landing, N. J., in place of G. E. Obodyke. Incumbent's commission expired April 8, 1930.

Olla Mehlenbeck to be postmaster at Raritan, N. J., in place of Olla Mehlenbeck. Incumbent's commission expired April 8, 1930.

NEW YORK

Warren C. King to be postmaster at Dobbs Ferry, N. Y., in place of W. C. King. Incumbent's commission expired April 5, 1930.

Isaac Bedford to be postmaster at Thiells, N. Y., in place of Isaac Bedford. Incumbent's commission expired March 25, 1930.

Earl B. Templer to be postmaster at Valley Falls, N. Y., in place of E. B. Templer. Incumbent's commission expires April 13, 1930.

NORTH CAROLINA

Henry B. Head to be postmaster at Caroleen, N. C., in place of H. B. Head. Incumbent's commission expired April 3, 1930.

A. Eugene Ward to be postmaster at Lake Junaluska, N. C., in place of A. E. Ward. Incumbent's commission expired April 3, 1930.

John M. Joyce to be postmaster at Madison, N. C., in place of J. M. Joyce. Incumbent's commission expired April 3, 1930.

Charlie L. Walters to be postmaster at Mayodan, N. C., in place of C. L. Walters. Incumbent's commission expired April 3, 1930.

Thomas R. Sparrow to be postmaster at Hillsboro, N. C., in place of T. E. Sparrow, deceased.

NORTH DAKOTA

Victoria Quesnel to be postmaster at Bathgate, N. Dak., in place of Victoria Quesnel. Incumbent's commission expires April 13, 1930.

OHIO

James K. Fulks to be postmaster at Ada, Ohio, in place of J. K. Fulks. Incumbent's commission expired April 5, 1930.

John W. Swing to be postmaster at Bethel, Ohio, in place of J. W. Swing. Incumbent's commission expired April 5, 1930.

Elmore J. Phares to be postmaster at Camden, Ohio, in place of E. J. Phares. Incumbent's commission expired April 3, 1930.

George M. Simes to be postmaster at Covington, Ohio, in place of G. M. Simes. Incumbent's commission expired April 3, 1930.

Louis A. Conklin to be postmaster at Forest, Ohio, in place of L. A. Conklin. Incumbent's commission expires April 10, 1930.

John R. Miller to be postmaster at Franklin, Ohio, in place of J. R. Miller. Incumbent's commission expired April 5, 1930.

Mae E. Crane to be postmaster at Hudson, Ohio, in place of M. E. Crane. Incumbent's commission expires April 10, 1930.

Howard C. Moorman to be postmaster at Jamestown, Ohio, in place of H. C. Moorman. Incumbent's commission expires April 10, 1930.

Peter Weishaupt to be postmaster at Lynchburg, Ohio, in place of Peter Weishaupt. Incumbent's commission expired April 5, 1930.

Reed Wilson to be postmaster at Pleasant City, Ohio, in place of Reed Wilson. Incumbent's commission expired April 5, 1930.

Paul E. Muckley to be postmaster at Waynesburg, Ohio, in place of P. E. Muckley. Incumbent's commission expired April 5, 1930.

John Q. Sanders to be postmaster at Waynesfield, Ohio, in place of J. Q. Sanders. Incumbent's commission expires April 10, 1930.

Frank A. Hawkins to be postmaster at West Farmington, Ohio, in place of F. A. Hawkins. Incumbent's commission expired April 3, 1930.

OKLAHOMA

Jeannette E. Perry to be postmaster at Boley, Okla., in place of J. E. Perry. Incumbent's commission expires April 13, 1930.

Orlo H. Wills to be postmaster at Delaware, Okla., in place of O. H. Wills. Incumbent's commission expires April 13, 1930.

Arthur W. Crawford to be postmaster at Mooreland, Okla., in place of A. W. Crawford. Incumbent's commission expires April 13, 1930.

Merrill M. Barbee to be postmaster at Spiro, Okla., in place of M. M. Barbee. Incumbent's commission expires April 13, 1930.

Albert Ross to be postmaster at Thomas, Okla., in place of Albert Ross. Incumbent's commission expires April 13, 1930.

OREGON

James E. Whitehead to be postmaster at Turner, Oreg., in place of J. E. Whitehead. Incumbent's commission expires April 14, 1930.

PENNSYLVANIA

Lois Hill to be postmaster at Baden, Pa., in place of Lois Hill. Incumbent's commission expired April 1, 1930.

J. Russell Clayton to be postmaster at Bryn Athyn, Pa., in place of J. R. Clayton. Incumbent's commission expired April 1, 1930.

Herman L. Levy to be postmaster at Daisytown, Pa., in place of H. L. Levy. Incumbent's commission expired April 1, 1930.

William H. Dickinson to be postmaster at Factoryville, Pa., in place of W. H. Dickinson. Incumbent's commission expires April 15, 1930.

Benton C. Myers to be postmaster at Fayetteville, Pa., in place of B. C. Myers. Incumbent's commission expired April 2, 1930.

Harvey L. Sterner to be postmaster at Gardners, Pa., in place of H. L. Sterner. Incumbent's commission expires April 9, 1930.

David H. Cummings to be postmaster at Mercer, Pa., in place of Dunham Barton, resigned.

Katherine A. White to be postmaster at Mildred, Pa., in place of K. A. White. Incumbent's commission expires April 14, 1930.

James W. Hatch to be postmaster at North Girard, Pa., in place of J. W. Hatch. Incumbent's commission expires April 15, 1930.

Harry F. Groff to be postmaster at Seven Valleys, Pa., in place of H. F. Groff. Incumbent's commission expires April 9, 1930.

Emma A. Smith to be postmaster at Seelyville, Pa., in place of E. A. Smith. Incumbent's commission expired April 8, 1930.

Herbert M. Black to be postmaster at West Sunbury, Pa., in place of H. M. Black. Incumbent's commission expired April 5, 1930.

Daniel S. Gressang to be postmaster at Pottsville, Pa., in place of A. A. Krebs. Incumbent's commission expired February 18, 1930.

TENNESSEE

Mabel W. Hughes to be postmaster at Arlington, Tenn., in place of M. W. Hughes. Incumbent's commission expired April 8, 1930.

Bethel C. Brown to be postmaster at Cleveland, Tenn., in place of B. C. Brown. Incumbent's commission expired April 2, 1930.

Albert F. Adair to be postmaster at Decaturville, Tenn., in place of A. F. Adair. Incumbent's commission expired April 2, 1930.

William J. Whitsett to be postmaster at Lewisburg, Tenn., in place of W. J. Whitsett. Incumbent's commission expired April 2, 1930.

Will F. Sherwood to be postmaster at Petersburg, Tenn., in place of W. F. Sherwood. Incumbent's commission expired April 2, 1930.

Helen M. Ruef to be postmaster at Sewanee, Tenn., in place of H. M. Ruef. Incumbent's commission expired April 2, 1930.

Fred Hawkins to be postmaster at Tellico Plains, Tenn., in place of Fred Hawkins. Incumbent's commission expired April 2, 1930.

Ocie C. Hawkins to be postmaster at Stanton, Tenn., in place of O. C. Hawkins. Incumbent's commission expired April 2, 1930.

Warren S. Yell to be postmaster at Wartrace, Tenn., in place of W. S. Yell. Incumbent's commission expired April 2, 1930.

TEXAS

Walter W. Layman to be postmaster at Bangs, Tex., in place of W. W. Layman. Incumbent's commission expired April 5, 1930.

Wilce V. Garton to be postmaster at Booker, Tex., in place of W. V. Garton. Incumbent's commission expired April 5, 1930.

Claud A. Howard to be postmaster at Bronson, Tex., in place of C. A. Howard. Incumbent's commission expired April 3, 1930.

William H. Tallant to be postmaster at Chico, Tex., in place of W. H. Tallant. Incumbent's commission expired April 5, 1930.

Jesse C. Miller to be postmaster at Elgin, Tex., in place of J. C. Miller. Incumbent's commission expires April 13, 1930.

Elam O. Wright to be postmaster at Estelline, Tex., in place of E. O. Wright. Incumbent's commission expires April 13, 1930.

Basil L. Garrett to be postmaster at Frankston, Tex., in place of B. L. Garrett. Incumbent's commission expired April 3, 1930.

Arnold H. Kneese to be postmaster at Fredericksburg, Tex., in place of A. H. Kneese. Incumbent's commission expires April 13, 1930.

James W. Hampton to be postmaster at Handley, Tex., in place of J. W. Hampton. Incumbent's commission expires April 13, 1930.

James A. Weaver to be postmaster at Panhandle, Tex., in place of J. A. Weaver. Incumbent's commission expired April 3, 1930.

Thomas J. Bailey to be postmaster at Royse City, Tex., in place of T. J. Bailey. Incumbent's commission expired April 5, 1930.

Peter G. Lucas to be postmaster at San Antonio, Tex., in place of P. G. Lucas. Incumbent's commission expired February 15, 1930.

Dee A. Morgan to be postmaster at Toyah, Tex., in place of C. B. Seay, removed.

VERMONT

Earle J. Rogers to be postmaster at Cabot, Vt., in place of E. J. Rogers. Incumbent's commission expires April 13, 1930.

Burton M. Swett to be postmaster at East Hardwick, Vt., in place of B. M. Swett. Incumbent's commission expires April 13, 1930.

Frank C. Stewart to be postmaster at Fairfax, Vt., in place of F. C. Stewart. Incumbent's commission expires April 13, 1930.

Laura B. Stokes to be postmaster at Waisfield, Vt., in place of L. B. Stokes. Incumbent's commission expires April 13, 1930.

VIRGINIA

Charles E. D. Burtis to be postmaster at Bumpass, Va., in place of C. E. D. Burtis. Incumbent's commission expired April 8, 1930.

Harvey W. Nester to be postmaster at Fieldale, Va., in place of H. W. Nester. Incumbent's commission expired April 1, 1930.

Henry H. Hardenbergh to be postmaster at Fredericks Hall, Va., in place of H. H. Hardenbergh. Incumbent's commission expired April 1, 1930.

Lacy C. Alphin to be postmaster at Hot Springs, Va., in place of L. C. Alphin. Incumbent's commission expired April 8, 1930.

William R. Berry to be postmaster at Meherrin, Va., in place of W. R. Berry. Incumbent's commission expired April 1, 1930.

Raymond D. Williams to be postmaster at Pembroke, Va., in place of R. D. Williams. Incumbent's commission expired April 1, 1930.

WASHINGTON

Mary A. Johns to be postmaster at Kalama, Wash., in place of M. A. Johns. Incumbent's commission expires April 10, 1930.

Allan Austin to be postmaster at Onalaska, Wash., in place of Allan Austin. Incumbent's commission expires April 10, 1930.

George F. Thomae to be postmaster at Retsil, Wash., in place of G. F. Thomae. Incumbent's commission expired April 3, 1930.

WEST VIRGINIA

D. Alton Jackson to be postmaster at Rowlesburg, W. Va., in place of D. A. Jackson. Incumbent's commission expired April 5, 1930.

WISCONSIN

Orrin W. Groot to be postmaster at Elmwood, Wis., in place of O. W. Groot. Incumbent's commission expired April 5, 1930.

Milton R. Stanley to be postmaster at Shawano, Wis., in place of M. R. Stanley. Incumbent's commission expires April 9, 1930.

Ernest L. Messer to be postmaster at Unity, Wis., in place of E. L. Messer. Incumbent's commission expired April 5, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9 (legislative day of April 8), 1930

COMMISSIONERS OF THE DISTRICT OF COLUMBIA

Luther H. Reichelderfer.

Herbert B. Crosby.

POSTMASTERS

IOWA

Floyd B. Peters, Batavia.

Daniel W. Plessner, Mystic.

Fred P. Carothers, Nodaway.

Earl P. Tucker, Panora.

Christa A. Hendrix, Silver City.

PENNSYLVANIA

Joseph F. Dolan, jr., Bala-Cynwyd.

Effie M. Lang, Fort Washington.

Mary V. Clemens, Linfield.

Harry Z. Wampole, Telford.

TENNESSEE

Allison Z. Hodges, Bethpage.

Harriett L. Lappin, Monteagle.

Myrtle Rodgers, White Bluffs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 9, 1930

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. TILSON].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We know how imperfect we are, O Lord, so we come to Thee as little children. We see Thy manifestations as through a glass darkly. We pray that Thou wilt be near us and strengthen us in understanding, in affection, and in patience. Diffuse Thy strength through our weakness, Thy courage through our despondency, and Thy hope through our fear. O God of mercy and compassion, open the fountain of sympathy upon the poor, upon those who are in distress because of their own sin, and upon those who are needy and helpless. Be Thou a holy Providence, manifesting Thyself in rich abundance toward all who put their trust in Thee. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10653. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On April 3, 1930:

H. J. Res. 264. Joint resolution making an appropriation to complete the restoration of the frigate *Constitution*.

On April 4, 1930:

H. R. 5616. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

On April 7, 1930:

H. J. Res. 274. Joint resolution making an appropriation for participation by the United States in the International Conference for the Codification of International Law to be held at The Hague in 1930;

H. J. Res. 278. Joint resolution making an appropriation for participation by the United States in the International Fur Trade Exhibition and Congress to be held in Leipzig, Germany, in 1930;

H. J. Res. 283. Joint resolution making additional appropriations for certain expenses under the Department of Justice for the remainder of the fiscal year 1930;

H. R. 2673. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Ozark, Franklin County, Ark.;

H. R. 5672. An act to abolish the Papago Saguaro National Monument, Arizona, to provide for the disposition of certain lands therein for park and recreational uses, and for other purposes;

H. R. 6123. An act to allow credit to homestead settlers and entrymen for military service in certain Indian wars;

H. R. 6133. An act granting the consent of Congress to the township of Aurora, Ill., to construct, maintain, and operate a free highway bridge across the Fox River at or near the village of North Aurora, Ill.; and

H. R. 8156. An act to change the limit of cost for the construction of the Coast Guard Academy.

On April 8, 1930:

H. R. 238. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Fort Yates, N. Dak.;

H. R. 563. An act for the relief of Frank Yarlott;

H. R. 4604. An act to provide for the recording of the Indian sign language through the instrumentality of Maj. Gen. Hugh L. Scott, retired;

H. R. 6337. An act granting the consent of Congress to George H. Glover to construct a private highway bridge across Flanders

Bay, Hancock County, Me., from the mainland at Sorrento to Soward Island;

H. R. 6844. An act to grant the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Hatchie River on the Bolivar-Jackson Road near the town of Bolivar, in Hardeman County, Tenn.;

H. R. 7007. An act granting the consent of Congress to the State of Massachusetts to construct, maintain, and operate a free highway bridge across the Merrimack River at or near Tyngsboro, Mass.;

H. R. 7566. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Holston River on projected Tennessee Highway No. 9 in Knox County, Tenn.;

H. R. 7580. An act authorizing the county of Lee in the State of Iowa, and Wayland special road district in the county of Clark and State of Missouri, to construct, maintain, and operate a free highway bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 7829. An act granting the consent of Congress to the Great Southern Lumber Co., of Bogalusa, La., to construct, maintain, and operate a railroad bridge across the Bogue Chitto River in or near township 3 south, range 11 east, in the parish of Washington, State of Louisiana;

H. R. 7964. An act to authorize the issuance of a fee patent for block 23 within the town of Lac du Flambeau, Wis., in favor of the local public-school authorities; and

H. R. 9038. An act granting the consent of Congress to the State of New York to reconstruct, maintain, and operate a free highway bridge across the West Branch of the Delaware River at or near Beerston, N. Y.

PERMISSION TO ADDRESS THE HOUSE

Mr. MONTET. Mr. Speaker, I ask unanimous consent that on next Tuesday morning, after the reading of the Journal and the disposal of business on the Speaker's table, I may address the House for 35 minutes.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that on next Tuesday, after the reading of the Journal and the disposal of business on the Speaker's table, he may address the House for 35 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I wish for the present the gentleman would withdraw that request. We expect to call up the World War veterans' relief bill on that day. I wish the gentleman would withdraw his request for the present.

Mr. MONTET. Would the consideration of that bill carry us through the week?

Mr. SNELL. It is difficult to tell how far that would carry us.

Mr. MONTET. Suppose I change my request from Tuesday to Monday.

Mr. SNELL. I do not know that that would interfere with anything in contemplation.

Mr. MONTET. Mr. Speaker, I ask to modify my request and make it Monday instead of Tuesday.

The SPEAKER pro tempore. The gentleman from Louisiana modifies his request and asks unanimous consent to address the House on Monday next after the reading of the Journal and of the disposal of business on the Speaker's table. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I understand the Committee on Rivers and Harbors will take but a short part of the afternoon to-day. I ask unanimous consent that after it shall have finished, the business in order on Calendar Wednesday may be dispensed with, in order to take up conference reports and other matters.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that after the Committee on Rivers and Harbors has finished to-day, further business in order on Calendar Wednesday may be dispensed with. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker, may I ask the gentleman if he expects to utilize next Calendar Wednesday for the purpose of considering the bill for river and harbor authorizations?

Mr. DEMPSEY. Yes; and I will say to the gentleman that we expect to report the bill in time to allow the membership opportunity to examine the bill.

Mr. GARNER. I take it, then, the gentleman expects to report the bill on Monday?

Mr. DEMPSEY. Yes.

Mr. CLARKE of New York. May I ask the gentleman from New York whether business from the Committee on Agriculture will be called up to-day?

Mr. SNELL. Not at all.

Mr. DEMPSEY. The proposition does not in any way interfere with our having the call on next Calendar Wednesday?

Mr. SNELL. No; not at all.

INTERNATIONAL FINANCE

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an address which I delivered day before yesterday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFADDEN. Mr. Speaker, under leave to extend my remarks in the Record, I present an address delivered by me before the Government Club, Hotel Astor, New York City, April 7, 1930, as follows:

Banking in the United States from the time of the adoption of the Constitution up until the time of the Civil War met with a variety of successes and failures. The necessities of financing the public Civil War debt was largely responsible for the organization of the national bank act. Banking proceeded under the authority of this national act and the development of State banking under the various State laws during the period from 1863 until 1913. Several years prior to 1913, a widespread discussion had taken place regarding modernization of our method of carrying on our financial operations which resulted in the creation of a superbanking method called the Federal reserve system.

Banking prior to the enactment of the national bank act had proceeded somewhat along the lines being pursued throughout Europe. The adoption of the Federal reserve system, while it was supposed to be a decentralized system, has proven to be a centralized group banking system. This system has afforded the necessary nucleus for the development of concerted action by and between our present Federal banking system and the central banks of Europe and the world, the beginning of which was in the year 1916. During the last 10 years these relationships have been growing and have become much closer, until at the present time there is a very close collaboration on all gold movements, international exchange, discount rates, open-market operations, and other powers, making effective changes in policies of operations.

The large necessary financial transactions and borrowings by the allied countries engaged in the war completely upset gold standards throughout the world, resulting in the concentration of nearly 50 per cent of the world's gold in the United States banking system. At the close of the war allied Governments began to readjust their financial structures to synchronize their situations so as to enable normal international trade and financial operations to resume. The question of the establishment of relationships between Germany and the allied countries and the fixing of reparation debts and methods of payment resulted finally in the setting up of the Dawes plan, the working out of which plan was largely the result of the participation in these deliberations unofficially of Americans.

Under the plan provided for the settlements proceeded under the direction of the machinery thus set up, until in 1928 it became apparent that a readjustment was immediately imminent and necessary. When a conference was arranged in Paris, where representatives of Germany and the allied countries, together with unofficial representatives from the United States, met and brought forth the Young plan, the American banking system, principally through the Federal Reserve Bank of New York in its close affiliation and working arrangements with the central banks of the countries involved, had, during this period of time, been rendering financial assistance to enable such of the foreign countries as were able to do so to return to a gold or a modified gold basis, and they also aided in the stabilization of international exchanges. These activities were apparently acquiesced in by our administrations in the Federal Reserve Board and the Treasury and State Departments.

The United States had established and carried out the precedent, so far as the official governmental policy was concerned, of keeping free from any participation in discussion of war debts or reparations or the mixing of the debts owed to this country by European countries with reparation settlements.

Notwithstanding the very evident intent and plan of the participating European countries to involve the United States systems with their own financial, political, and economic systems, and the debts owed to this country and reparations settlements between Germany and the allied countries, a certain group of international, financially minded men did, however, participate in, and largely directed the organization of the Dawes plan and the subsequent Young plan, and participated in most of the intervening conferences leading up to the adoption of both of these plans.

Both of these plans contemplated the commercialization and sale in the United States of a large part of the reparation payments to the allies.

Prior to the conference in Paris at the time of the creation of the Young plan, the then Premier Poincaré, in a speech at Carcassonne on April 2, 1928, told his audience in a veiled way that his Government would approve what was being discussed as the bankers' plan, which involved the sale of the German reparation bonds in the United States. In fact, he was returned to power on the basis of his approval of this plan, and thus the French Government was officially committed to the reparations scheme, the basis of which had been previously laid out.

It is interesting for us to note that some days after Premier Poincaré's speech he received the foreign correspondents of the press and made a labored effort to qualify what he had said at Carcassonne. We should not lose sight of the fact that this expressed attitude of France caused considerable concern to President Coolidge, who found it necessary to again reaffirm our attitude as regards this subject. It will be recalled that it was largely due to President Coolidge's attitude that the commercialization of a large part of the reparation debt secured by a deposit of the railroad securities of Germany and the sale of the same to American investors were forbidden. This was the plan the reparations agent made a special trip to the United States to conclude. It is interesting in this connection for us to note that, at or about that time, Mr. S. Parker Gilbert, agent general of reparations, who was then in Rome, Italy, made this unexpected and then apparently irrelevant public statement:

"There is no connection between German reparations and allied debts to the United States."

Careful analysis of these two statements would indicate that some communication had passed between Washington and Paris with reference to Premier Poincaré's speech at Carcassonne. The files of our State Department should throw some light on the nature of the communications which would almost seem to indicate that the foreign governments had not taken seriously President Coolidge's announced policy of not permitting our debts to be intermingled with reparations settlements. It is not unfair to say that this announced policy of President Coolidge was not relished by the international group who were working to involve us in every way possible in international tie-ups.

The Young plan is the culmination of the international plan which began with the writing of the reparations provisions of the treaty of Versailles. The amount of the German reparations was determined without regard to Germany's moral and legal obligations under the armistice agreement or her capacity to pay. They were to be fixed at an amount which, if made immediately available in cash, might be sufficient to rehabilitate Europe economically.

The provisions in annex 2 to the financial clauses of the treaty provide that the reparations total shall be issued in gold bonds, payable to bearer, and that the bonds owned by the allied governments might be commercialized by them. With no market in Europe for these bonds, it was the intention to sell them upon the outside market to which Europe's gold had flowed and was still flowing. With the flow of gold thus reversed and upon an enormous scale, Europe might be rehabilitated in a few years in spite of the effects of the war.

It was upon the United States that the eyes of the supreme war council were fixed, and it was to the United States almost exclusively that Europe was relinquishing its gold. It was to the American public then that the bulk of the German reparation bonds were to be sold, and to accomplish this purpose a systematic falsification of historical, financial, and economic fact was necessary in order to create in America a state of mind that would make the sale of the bonds successful.

The Young plan is the culmination of 10 years of European secret diplomacy in which the connivance of the international bankers of New York has been continuously dependent upon and accorded. There have been 10 years of systematic concealment from the American public of the intent and purpose involved in this diplomacy. Great American news agencies have been brought under the control of foreign interests through the hold exercised over them by international financiers, and the influence of these powerful financiers has also permeated the policies of American publishing houses, so that books and weekly and monthly periodicals have been used to mislead the American public and to exclude from their pages authentic information upon the subject of German reparations and the movements of European diplomacy which have centered about the subject of reparations.

This systematic abuse of the confidence of the American public goes back to the armistice period, for vitally important historical events between the day of armistice and the day of the signing of the treaty of Versailles six months later were concealed and falsified at the time. The existing structure of international political and economic relations is founded upon this substructure of falsity of facts and would have to be reconstructed if these false representations were allowed to be swept away. This is why all the powers of the European governments and the international financiers have been sleeplessly exerted to control the sources of information available to the American people. The motive which required suppression of the facts of 1919 has required suppression of the facts throughout the subsequent years, and it is this motive which requires suppression of the facts in connection with the Young plan to-day.

It is the purpose now to put the Young plan reparation bonds on sale in Wall Street along with ordinary industrial securities that brokers

sell, disassociated from war animosities or of apprehensions as to their safety because of political relationships in Europe. They are to be given the character of commercial securities concerning which a purchaser need not inquire as to the aspects of their political background. In the words of Mr. Thomas W. Lamont, of J. P. Morgan & Co., the "reparations" will lose even that name "and simply become swallowed up in the general flow of international trade and international exchange."

But this is too sanguine a view to take. The political status quo upon which Mr. Lamont depends is too unstable to justify it. The bonds will be issued with the assurance that they are a safe investment because a stable, political status quo exists in Europe, whereas, in fact, a most unstable status quo exists there, and the real purpose of offering these bonds in America, besides that of financial advantage to Europe, is to make the powerful United States an ally of the weak allied States in guaranteeing the existing, but ramshackle, status quo.

The present juncture offers the first opportunity since the war to reexamine the basis of the present political structure in Europe, for under the Young plan the United States is being asked to guarantee it. If such an examination is not made now the opportunity will not come again for many years, and when it does come the problems will be far more grave than they are now.

At this point I want to call attention to the fact that the Young plan has been adopted by the principal European governments and has been approved by the executive branch of the United States Government. Approval by the Congress of the United States is asked through a bill now under consideration by the Ways and Means Committee of the House proposing to ratify an independent settlement of the debt due by Germany to the United States in connection with occupation of the Ruhr by armed forces of the United States. If and when the Congress approves this proposal, it will but indirectly be giving congressional approval of the Young plan.

The validity of the treaty of Versailles is one of the subjects of discussion which has been suppressed. Suppression of this discussion has been successful for 10 years; it may be successful for 10 years more, but the time will undoubtedly come when the validity of the treaty will be challenged. It is the hope of the allied governments that great quantities of the Young reparation bonds will have been sold in the United States by that time, and that for this reason the Government of the United States will find it necessary to support the validity of the treaty.

In this connection, it is interesting to note an extract from a speech delivered by the late Herr Stresemann in the Reichstag on June 24, 1929, when, in speaking of the proposed Young plan, he said: "Do you think," Herr Stresemann asked the Nationalists, "that any member of the Government regards the Young plan as ideal? Do you believe that any individual can give a guaranty for its fulfillment?"

"Do you believe that anybody in the world expects such a guaranty from us? The plan would only represent in the first place a settlement for the coming decade. The point is whether it loosens the shackles which fetter us and lightens the burdens which we have yet to fulfill."

In his California address a few days ago Owen D. Young deplored, by implication, the intrusion at The Hague of politics which succeeded in modifying the economic features of the Young plan by the introduction of sanctions "in a most attenuated form" in case Germany should voluntarily default. Here is a direct intimation of the possibility of default in German reparation settlements by the principal author of the Young plan.

On March 23, in the House of Deputies, Louis Marin, the French right chief, in assailing the Young plan, said: "Without counting the consequences, we are abandoning every guarantee, and in return we not only get nothing but we are left at the mercy of the international commissions in which France will be in a minority." He then asked, "Who does not view with anxiety the possibility of German suspension of payments and a moratorium being settled * * * ? Whoever has confidence that the international bond issues will be continually successful even if the first one is a success, which is doubtful? Who does not look with misgiving on the installation by the world bank of a formidable financial power free from all governmental control, capable of influencing international affairs of all nations by exerting economic pressure?"

It is also interesting to note in this connection the expressed attitude of Dr. Hjalmar Schacht, late president of the Reichsbank, who by his recent resignation voiced his opposition to the Young plan as finally adopted; and in this connection also the expressed attitude of Mr. Albert Voegler, president of the Ruhr Steel Trust, certainly can not be ignored in this country.

In the discussion in the Reichsrath of Germany in regard to the Young plan, the Minister of Finance, Doctor Moldenhauer, spoke of what would happen if Germany should demand a moratorium. He said, "The creditor powers would forthwith declare a moratorium for their payments to America and the whole matter would then have to be fundamentally reconsidered."

Furthermore, if competent legal German authority is to be believed—and I am relying on the opinion of Doctor Hüffner, who is councillor of the Reichsgericht, a position similar to a member of the Supreme Court of the United States—and whom I quote, "the promoters of the Dawes plan and the Young plan have completely disregarded the German laws,

that this must necessarily continue to create a chain of irregularities with disastrous consequences."

What will the situation be in this country if repudiation takes place?

These are men of standing and wide influence in Germany and France, and it should be understood that they speak for a considerable section of the intelligent German and French citizenship, and their words and action hardly indicate that the original political character of reparation payments has been eliminated by the so-called commercialization of these payments.

The seeds of a future war, in which a united Europe would be arrayed against the United States, are involved in this contingency. In proportion as the United States increases its holdings of German reparation bonds, the allied Governments decrease their holdings of them, for it is from the allied Governments that the American investors buy the bonds. (Please note that "American investors will not buy these reparation bonds from Germany.") Thus in time the allied Governments might have received payment of reparations in full, while the United States was still demanding payment of annuities by Germany for many years to come. If the treaty of Versailles and the subsequent agreements pursuant to it are in fact invalid and founded upon falsity, all Europe might at some future date join Germany in a demand for their abrogation and for repudiation of the financial obligations to America imposed by them. The United States, to protect its financial interests, would have to stand upon morally indefensible ground.

The gravity of the present juncture lies in the fact that the treaty of Versailles was in reality illegally imposed and that the Germans are aware of this and have no moral doubt of it. There is undoubtedly a deep sense of moral outrage among the informed classes in Germany that the German Government has never been permitted at any conference to discuss the "juridical" questions which they know to be pertinent, and in a more vague way the German masses know that Germany was enslaved through allied bad faith. During the 10 years' time the war psychology in Europe has not been mollified; its expression only has been suppressed. The statements in the report of the Young committee that war hatreds have been dissipated and that a peaceful understanding has been attained are knowingly false and are dangerously misleading.

The reasons why the treaty of Versailles is illegitimate and not binding upon Germany are that under international law the provisions of a definitive treaty of peace are legitimate only if they remain within the scope of the preliminary agreement which brought hostilities to an end. This the treaty of Versailles did not do. In the exercise of bad faith the allied States, after inducing Germany to disarm, varied the terms of the preliminary agreement by force to the prejudice of the German State.

The Germans have all the necessary evidence of this fact, evidence that would be sufficient, and overwhelmingly convincing in any unprejudiced court. But they are not permitted to bring it forward, for it would make the rehabilitation of Europe through the sale of Young plan reparation bonds in America an impossibility. They are too weak at present to secure a hearing, for to insist would bring upon them a reopening of the war hatred, expressing itself in new acts of Allied aggression. But they know that they are not morally obligated to sustain the burden of paying reparation annuities under the Young plan, and they will assert the illegality of these burdens at the earliest moment that they can make their voice heard.

A close examination of the facts pertaining to the last settlement of German reparations when taken into consideration with the financial, political, and economic conditions prevailing since the armistice right up to date indicate that we are not through with further consideration of reparation settlements. I have referred to the close working arrangements between central European banks and the Federal reserve system.

I now desire to refer to a statement that I made last summer wherein I said that the Federal reserve policy then being put into operation was for the purpose of deflating the American stock and investment market in preparation for the flotation in this country of large issues of foreign bonds, including the sale of these commercialized reparation bonds. I now point to the fact of this accomplishment.

We are in the midst of an ideal cheap money market in the United States which forecasts a most favorable opportunity for the exploitation of the American investing public through the sale of foreign securities in this market, whether they be reparation bonds, other Government, State, or municipal securities, or bonds issued to promote the industrial welfare of European countries; and in addressing myself to this subject I am emphasizing the danger that lies before us in connection with the synchronizing of our own banking operations with those of foreign countries whose main thought is, first, to assure necessary finances to rehabilitate their countries, and, second, if not the foremost reason, to involve the United States through these financial operations in the economic and political affairs of Europe.

The Bank for International Settlements will be opened on or about May 1 at Basel, Switzerland. Shortly thereafter the proposed issue of \$300,000,000 worth of reparation bonds will be offered to the investors of the world under the auspices of this bank, which offering in this country, as stated by Thomas W. Lamont, will be from \$75,000,000 to

\$150,000,000, and will undoubtedly be offered by a syndicate of bankers organized by J. P. Morgan & Co. and headed by the First National Bank of New York and the First National Bank of Chicago.

I desire again to warn the American investing public of the danger of investing in these particular bonds at this time because of their questioned legality of issue and the possibility through their purchase of involving the United States in international entanglements. Inquiry as to the legality of these securities should be directed to our State Department, which department I have called upon to advise the American people as to whether or not these bonds are legal. The State Department has on previous occasions assumed to forbid the issuance of foreign securities in this market. If the State Department does not certify as to the legality and bona fide issue of these bonds, I shall cause to be introduced in Congress a resolution forbidding the sale of these reparation bonds in the United States.

NATIONAL HYDRAULIC LABORATORY

The SPEAKER pro tempore. The Clerk will call the committees.

The Clerk called the Committee on Rivers and Harbors.

Mr. DEMPSEY. Mr. Speaker, by direction of the Committee on Rivers and Harbors I call up House bill 8299, No. 187 on the Union Calendar.

The SPEAKER pro tempore. The gentleman from New York calls up the bill H. R. 8299. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. DEMPSEY. I ask unanimous consent, Mr. Speaker, that it be considered in the House as in Committee of the Whole.

Mr. McDUFFIE. That would limit the time for debate. Why not consider it in committee?

Mr. DEMPSEY. I have no objection to that, and I withdraw the request.

The SPEAKER pro tempore. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8299. The gentleman from Michigan [Mr. KETCHAM] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8299, with Mr. KETCHAM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8299, which the Clerk will report by title.

The title was again read.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McDUFFIE. A parliamentary inquiry, Mr. Chairman. As I understand it, the time for general debate on this bill is divided between those sponsoring the legislation and those opposing the legislation?

The CHAIRMAN. That is true.

Mr. McDUFFIE. I am opposed to the legislation, and I take it, therefore, I will have one hour in opposition?

The CHAIRMAN. When the gentleman is recognized in opposition, he will have one hour.

Mr. DEMPSEY. May I ask the gentleman if he thinks we will need that much time?

Mr. McDUFFIE. I think so. My colleague, Judge MANSFIELD, the ranking Democratic member on the committee, has a very splendid and illuminating address to deliver to the House on the general subject, and we will certainly take an hour.

Mr. DEMPSEY. How much time will Judge MANSFIELD want?

Mr. MANSFIELD. About 25 minutes.

Mr. DEMPSEY. Suppose we go ahead and it may be that we will not need that much time.

Mr. McDUFFIE. Perhaps we will not use all of it.

Mr. DEMPSEY. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] is recognized for 15 minutes.

Mr. DEMPSEY. Mr. Chairman and ladies and gentlemen of the committee, this bill for the establishment of a national hydraulic laboratory has had perhaps as elaborate and as careful and as thoughtful consideration as any bill which has come before the committee. In the course of the consideration of the bill we not only examined all of the experts on the sub-

ject, we not only found the state of the art in the United States, but the engineers sent two of their body to Europe, where they spent several months in an investigation of conditions abroad.

Briefly, the object of this bill is to provide the Federal Government with a special laboratory in connection with the Bureau of Standards, where all hydraulic questions of every kind which may arise as to safety of structures, as to the best way to control floods, as to the methods of erecting bridges, and other questions which may arise in connection with the improvement of our waterways and their development for every purpose for which water may be used may be considered and studied in the light of the present state of the art, to the end that we may advance steadily in that field, as we are advancing in other fields.

To illustrate the present situation, let me call attention to the marvelous advance which has been made in our study of hydraulic questions. To-day in developing power from the falling of water we obtain 95 per cent of the possible power. To illustrate how wonderful that is and what marvelous progress has been made and what splendid results have been obtained, let us contrast with that what we have been able to do thus far with coal. In the use of coal we only obtain 16 per cent efficiency. In other words, there is only 5 per cent development remaining in water power, and there is a gap of 84 per cent in the use of coal.

We have had no official place in which to study such questions. It is unnecessary to call the attention of the members of this committee to the fact that the Bureau of Standards has made wonderful progress in every field of scientific study and research which they have undertaken.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. McDUFFIE. For the information of the committee, will the gentleman advise us whether or not the Bureau of Standards, which is probably the greatest institution of its kind on earth, and which represents an outlay of \$6,500,000, and on which we are now spending \$2,500,000 annually to maintain, can not study the very problem of coal which the gentleman has just described to this committee?

Mr. DEMPSEY. I would not want to say offhand whether that is within the purview of any of the segregated parts of the Bureau of Standards or not. I would say that they have no authority and they have no means with which to study questions like those at issue here—hydraulic questions.

Mr. McDUFFIE. May I further interrupt the gentleman, if he will permit? Does the gentleman not think that under the organic law, creating the Bureau of Standards, which, of course, grew out of the old standards of weights and measures which was established in about 1836, all that is necessary is an appropriation for additional equipment? I grant that if we must have an imposing structure within which to place this equipment which the gentleman has mentioned, it is possible that it will be necessary for the Committee on Public Buildings and Grounds, or, under the recent act of Congress, the executive department, the board dealing with buildings and grounds, to authorize the construction of such building. But, as far as equipment is concerned, does the gentleman not think the law is now sufficient to guarantee the purchase of such equipment as may be necessary to study the problems concerned?

Mr. DEMPSEY. I would answer the gentleman that the experience of the membership of this House is that when we have a question like that we submit it to the appropriate bureau or department for their advice as to whether they believe they have the authority. In this instance the administration as a whole, not alone the Bureau of Standards, believes, first, that they have no such authority; second, that they need the authority; and third, they came to us and asked for the authority, and they have asked for it in the most persistent, they have asked for it in the most diligent, and they have asked it in the most reasonable way, because they have presented proof; they have presented arguments upon which such bill should be founded.

Mr. SNELL. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. SNELL. Is it intended to provide for some new department, or, just in a few words, what is proposed? Nobody seems to understand exactly what is intended by this bill.

Mr. DEMPSEY. We are simply going to add to the Bureau of Standards another activity, which will be under the general direction of the Bureau of Standards; there will simply be one other agency there. We do not create any separate bureau or commission or agency. We add nothing to the general overhead.

Mr. SNELL. A new building must be constructed, however?

Mr. DEMPSEY. A new building must be constructed, because this work can not be carried on without a special build-

ing. It is the kind of work that requires both a building and equipment.

Mr. SNELL. And the total expense for both the building and equipment is \$350,000?

Mr. DEMPSEY. Three hundred and fifty thousand dollars.

Mr. SNELL. One hundred and eighty thousand dollars is for the building, and the balance is for equipment; is that correct?

Mr. DEMPSEY. That is correct.

Mr. SNELL. Now tell us in a few words that all of us can understand, what is the practical benefit of all of this?

Mr. DEMPSEY. There are many practical benefits. For instance, the situation as to flood control is as follows: We have appropriated \$300,000,000, and that \$300,000,000 was appropriated under a project which was to solve the flood question in the Mississippi Valley, by what is known as the run-off system. We were to parallel the main bed of the river by flood ways which would be in operation only during the time of the flood. To do that many things were involved. First, as we found out, it involved the condemnation of a vast acreage of land.

Mr. SNELL. What has that to do with the hydraulic laboratory in the city of Washington?

Mr. DEMPSEY. It has a great deal to do with it. This must be explained in an orderly way, and it will take two or three minutes. It was found that for these flood ways a vast acreage of land would be destroyed for agricultural purposes for all time.

What was the ultimate and real purpose of the solution of the flood problem? It was that we might make usable the land in the Mississippi Valley. So we are saving a certain acreage and we are at the same time destroying a certain acreage. When we came to figure out that problem we found that when we offset the value of the land to be destroyed against the value of the land to be saved and then added the cost of saving it, it was a very serious question whether or not there was any saving; whether or not instead of making a saving we were not making a loss. Then came the purely hydraulic question, such a question as is to be studied under this bill; the question whether we could devise some other way or some other means by which we could instead of destroying land save all the land, perhaps at a greater expense, but instead of saving 1 acre we would save 2 acres; instead of saving an acre and destroying an acre we would have the 2 acres. Now, that is purely a hydraulic question. It is the biggest question facing the United States to-day in cost, in the value of the land, and in the extent of the territory involved. The solution of it depends in very great measure, as the experts will advise you, upon the solution of purely hydraulic questions.

Some of those questions can be studied in the field, but some of them require purely scientific study in a laboratory which is designed and fitted according to the moderate requirements for the study of such questions.

This question has necessarily risen. The engineers are right in the throes of changing from one system to another. Many hydraulic studies are involved, and the solution of any one of them would save many times the initial cost and the maintenance of this hydraulic laboratory for years to come.

It is for the purpose of just such studies as that, which face us to-day, that this laboratory is to be established and maintained.

Mr. SNELL. The gentleman has made a very elaborate explanation about flood control in the Mississippi Valley, but according to the average lay mind, like mine, the gentleman has not connected the laboratory here in Washington with the plan he has outlined. I can not see anything you are going to do. I would like to have the gentleman tell me something practical about the purpose he has in mind.

Mr. DEMPSEY. Frankly, I do not think the gentleman would himself, if he were indulging in scientific research, be able to tell the world exactly what the result of his research would be in advance of the research.

Mr. SNELL. I will admit that.

Mr. DEMPSEY. But what I say to the gentleman is this: That the experts upon this question—the engineers who are studying it and every civil engineer of eminence in the country aside from the Army engineers—say that the study of the flood problem is a scientific study, depending upon the action of water upon the land, and that that study must be made and should be made in just such a laboratory as this.

I am not a scientific expert, and I can not tell the gentleman just how they are going to erect—

Mr. SNELL. But the gentleman can give his views as a layman.

Mr. DEMPSEY. I can tell the gentleman just as far as a layman can tell, and I am going to tell him and say that no layman can erect in imagination upon this floor the troughs, the

earth banks, the action of water when it is in flood condition, and determine just what works are necessary; how best to produce a result; what scientific investigation is necessary and how it should be made.

Mr. SNELL. I did not know but that some of that information came to the gentleman's committee. I am not trying to put the gentleman up as an expert, but I want him to give me the information which the average laymen in the House can understand. The gentleman has given us a general explanation of the flood condition in the Mississippi Valley, but I can not conceive how that condition can be solved by the establishment of a hydraulic laboratory here in Washington.

Mr. DEMPSEY. The gentleman says he can not see how a study of conditions in the Mississippi Valley is to be made in this laboratory. I said to the gentleman in answer to his question that I can not tell him exactly how it will be made.

Mr. SNELL. That is satisfactory; but I did not know but that some information had come to the gentleman's committee.

Mr. DEMPSEY. I can give the gentleman the information. I can say that the experts who are studying the question unite in declaring that such a study can be made and should be made, and that it will be the means of a solution of the practical questions involved.

Mr. SNELL. I have not as much faith in experts as the gentleman seems to have. I would like the gentleman to give us more definite information than we now have as to why we should erect a hydraulic laboratory in Washington.

Mr. DEMPSEY. The gentleman's question comes to this in the end: Are hydraulic laboratories of any value or should we scrap them all? If a scientific laboratory is valuable, then this hydraulic laboratory is valuable.

Mr. SNELL. That has nothing to do with the general proposition of establishing a hydraulic laboratory in Washington.

Mr. DEMPSEY. It has everything to do with it, because the gentleman's question goes right to that. His question is this: Why is a hydraulic laboratory needed and what is its value? I say in answer to the gentleman that the study of hydraulic questions is one of the most important subjects in the world, and I say that in the study of that question abroad and here there are colleges in which they teach engineering that have such laboratories, some of them on an elaborate scale and some on a miniature scale. In the gentleman's own State they have a laboratory in Cornell University. I can not pretend to tell the gentleman just what they do in the classes in teaching engineering and in the use of that laboratory.

Mr. SNELL. What has that to do with general hydraulic development?

Mr. DEMPSEY. It has to do not only with the gentleman's suggestion but it has to do with the things with which this bill deals. They take practical questions into all these college laboratories.

Mr. SNELL. I would like the gentleman to give me some practical question we are going to solve in this laboratory. That is what I am trying to get.

Mr. DEMPSEY. The gentleman says he would like to have me give some practical questions which they have solved in these colleges.

Mr. SNELL. I am acquainted with what they do in these colleges, but I want to know what you are going to do with your laboratory here in Washington?

Mr. DEMPSEY. We are going to do exactly what they do in every scientific laboratory in the world.

Mr. SNELL. If they do those things in the college laboratories and you are going to do the same thing here, why could not the colleges do the work you propose to enter upon?

Mr. DEMPSEY. Because it is a fact that the college laboratories are small laboratories. They do not make a study of public questions except upon request. They are not equipped for doing it. They can not afford to go to the expense of solving a problem which, perhaps, might involve new fixtures alone costing \$50,000 or \$60,000, and yet the saving to be made might be millions of dollars.

The United States is in the business of caring for its rivers and harbors. All kinds of questions are presented in the river and harbor studies. There is the question of the construction of a bridge; how it will deflect a stream; what the effect of the stream will be upon the abutments under the particular circumstances presented; the question of the nature of the abutments; the question of the strength of the stream; the question of what the abutments should be and how they should be constructed.

Mr. SNELL. I agree with the gentleman about that, but how he is going to connect this with reclaiming land in the Mississippi Valley I can not understand. These other proposi-

tions are all being handled in the hydraulic laboratories that are in existence at the present time at the different universities.

Mr. DEMPSEY. How many are there?

Mr. SNELL. I do not know; but the gentleman himself states they have them in all the universities.

Mr. DEMPSEY. Of course, without knowing how many there are and how adequately they are meeting the problem, it would be impossible to express an opinion as to the value of this bill.

I will say to the gentleman that the civil engineers of the country, without division of sentiment, including a very great engineer in public life, unite in believing that the private laboratories are inadequate to meet this situation, and they unite and agree that we need this laboratory and that it will pay its cost many, many times over.

Now, the gentleman refers again to the Mississippi Valley. I say to the gentleman that the engineers there who are studying the question say that this is a hydraulic-laboratory question and that it has to be studied as such. They say that the effect of water on land, embankments, and levees is all a laboratory question and all of it should be studied in a scientific way and its solution should be arrived at in that way; that the study should be made both here and in the field.

Certain questions can be studied better in the field while other questions can be studied better here, but they unite in the agreement that we should have one here that is a purely scientific laboratory, manned by scientists who study the particular questions involved in hydraulics, who are not simply practical men who devote the greater part of their time to the carrying out of executive functions, but men who are students and who devote their time to research and investigation.

Mr. SNELL. I would expect that all the engineers would be for it. I have never known them to oppose anything new of this kind.

Mr. DEMPSEY. No; let me tell the gentleman about that. The Army engineers were unitedly opposed to this at first because they thought it would encroach upon their jurisdiction. They have had a change of heart—

Mr. SNELL. I did not suppose they ever changed.

Mr. DEMPSEY. The Chief of Engineers of the United States Army, a progressive and a very able man, believes that this is necessary—not only important but necessary—in the furtherance of the work of his branch of the service, and, particularly, in the study of Mississippi Valley questions. It is up to him to solve these questions and he believes that this is essential. This is the reason I went into the matter so elaborately.

Mr. SNELL. The trouble is the gentleman's explanation is so elaborate that the average person, like myself, can not understand it, and I have had some experience in hydraulics, although not very much.

Mr. DEMPSEY. None are so wholly unable to understand as those who do not want to understand.

Mr. SNELL. That may be partly true, but I really want to get some information about what we are going to do in this laboratory. I am not opposed to the bill.

Mr. DEMPSEY. I do not believe the gentleman will be opposed to the bill. The gentleman is giving me what I believe is a very good opportunity to explain the bill, and I may say to the gentleman, in a very broad, general way, that even the men who are engaged in the water-power business, but who are generally engaged in an executive and not in a scientific way, do not have the time to study these questions in a scientific way and in practically every country of Europe, in every great university, such a laboratory is generally supported by the State or assisted by the State and they find this to be necessary in order to solve the great questions in hydraulics that arise. When, for instance, they are going to hold in the sea in Holland, when they are going to do any great hydraulic job, they submit their questions first to the hydraulic laboratory of the country. I would not be able to tell the gentleman just what questions they submit, or just how the laboratory solves them, but I will tell the gentleman that in every great hydraulic work in Europe that has been undertaken in the last quarter of a century, there has first been consulted with, and then an examination made by, the hydraulic laboratory, and then they receive the advice of that laboratory after a painstaking investigation, and then the work is undertaken as a result of, and in accordance with, the result of such an investigation.

Let me say further that in this country we have not altogether pursued the policy they have in Europe. Those of our colleges that have hydraulic laboratories have not attained the same eminence in the practical field. In Europe there has not been one great public work, where questions of hydraulics were involved, where the professor at the head of the hydraulic labora-

tory of his country was not first consulted as to the scientific matters involved.

Here we have consulted our colleges from time to time, but in a haphazard and offhand and in an infrequent way. The result is that our laboratories are not of the importance, they are not of the number, they are not equipped in the way that the European laboratories are equipped, and we need just such a laboratory as this to study all of these varied questions arising every year, many of them of vast importance, which need solution before great public works can be undertaken.

This bill is one which does not create a new department or a new bureau. It does nothing except increase the scope of the useful work, as well as the opportunities, of the great Bureau of Standards, which has been of tremendous importance in the public life of this country for a quarter of a century.

Mr. HUDSON. Which will serve several departments of the Government in various capacities, and it has been requested by those departments.

Mr. DEMPSEY. Yes; all joined in the request.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. McDUFFIE. Mr. Chairman, I would like to say to the gentleman from New York that the gentleman from Texas [Mr. MANSFIELD] wishes to proceed out of order in a way, to discuss generally the river and harbor bill which has come to the House. I wondered if the chairman would not yield him some time, because I want to yield at least three-quarters of the time to those opposed to the bill.

Mr. DEMPSEY. How much time does the gentleman want me to yield him?

Mr. McDUFFIE. As much as the gentleman can.

Mr. DEMPSEY. The gentleman from Alabama has not used any of his time; why does he not use some of that time now?

Mr. McDUFFIE. I am going to.

Mr. CLARKE of New York. Will not the gentleman include an explanation to my colleague from New York [Mr. SNELL]? [Laughter.]

Mr. McDUFFIE. I will; I want to give him my idea of the bill. I do not know that I can make a satisfactory explanation.

Mr. SNELL. I will try to understand it, but I will not promise.

Mr. McDUFFIE. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman and members of the committee, it is not my purpose to speak on the laboratory bill, but on the general river and harbor bill, and on the commerce handled by the waterways of our country.

Mr. Chairman, after a lapse of three years we are assured that a river and harbor bill will be reported, for which it is hoped that early and favorable consideration will be given by Congress. While the bill is expected to contain many measures of great merit, three of them will be of outstanding national importance.

The deepening of the connecting channels of the Great Lakes from 21 to 24 feet will afford more economical transportation to the greatest of all inland waterways in the known world. It will also prepare the way for the accommodation of ocean ships expected to navigate those waters upon completion of a ship channel to the Atlantic.

The taking over from the State of New York of the Erie and Oswego Canals and giving them an additional depth of about 2½ feet will afford practical barge transportation from the Lakes to the Atlantic seaboard, with connection with the intra-coastal waters from Maine to Florida.

The taking over from the State of Illinois, and from the Sanitary District of Chicago the Drainage and Sag Canals, and the lock and dam improvements on the Des Plaines and upper Illinois Rivers, will complete the connection of the Great Lakes with the Mississippi system.

The Mississippi system is now connected by intra-coastal waterways authorized for 9-foot depths from Pensacola to Corpus Christi. Consequently the completion of the link at Chicago will give a continuous outlet from the Lakes to all ports on the Gulf.

It is not my purpose to discuss these measures in detail at this time, but they will be fully discussed when the bill is reached. My present purpose is to call attention to the importance of our water-borne commerce in general and of my own State of Texas in particular.

More than a hundred years ago Congress recognized the importance of improving our harbors and inland waters to facilitate the movement of commerce. The first appropriation was made in the year 1824. Previous to that time such improvements, if made at all, were made by the respective States or by corporations or individuals.

Congress seems to have caught the spirit of the times. It was in the period of the birth of our transportation age. The

era of canal building. The inauguration of turnpike and macadamized roads. The beginning of railroad construction. The invention of the locomotive engine and the river steamboat, and the application of steam propulsion to ocean-going ships. It was the age of Fulton, of Stephenson, Livingstone, and Macadam.

All of those agencies of transportation had their beginning simultaneously in this country in the early part of the last century. The War of 1812 had demonstrated the need for such facilities. The stagecoach has now been superseded by the motor bus. The toy wood-burner locomotive by the giant coal and oil-burner mogul. The packet steamboat by the colossal steel barge.

While the equipment of transportation has passed through a period of evolution, the main arteries of trade—the highway, the railway, the waterway—have all survived. Each still constitutes an integral part of our transportation system, which upon the whole has developed to a stage of perfection in the movement of a volume of trade unequalled by that of any other country.

The water-borne commerce of the United States is now too enormous for the human mind to contemplate. Our foreign trade in 1928 consisted of imports valued at more than \$4,000,000,000 and exports with a valuation of more than five billions. While a portion of this traffic crossed our international boundary lines with Canada and Mexico, by far the greater proportion passed through our improved ocean and Gulf ports.

Our internal commerce was generally carried by rail, truck, and pipe line, but our inland waterways also performed an important part. The traffic on our rivers, canals, and connecting channels in 1928, after the elimination of all duplications, amounted to 227,300,000 tons, with a valuation of more than three and three-quarter billion dollars.

The commerce of the Great Lakes, including both foreign and domestic traffic but not including that pertaining exclusively to Canada, was 149,706,670 tons, with a valuation approximately two and one-half billion dollars.

The commerce passing through our Atlantic, Pacific, and Gulf ports, after eliminating duplications occurring in the coastwise trade, was 331,213,274 tons, with a value slightly less than \$21,000,000,000.

The gross total exports through the Atlantic ports in 1928 were 21,387,276 tons, valued at \$3,449,774,147.

The exports through the Pacific ports were 16,869,464 tons, valued at \$617,460,116.

The exports through the Gulf ports were 17,894,470 tons, valued at \$1,239,919,627.

The exports through the Lake ports were 15,378,661 tons, valued at \$238,862,875.

I shall refer briefly to the commerce of my own State, Texas. Of the total United States exports in 1928 amounting to \$5,034,973,142, Texas contributed \$817,002,082, or about one-sixth of the total. In point of exports, Texas was second in the list of States, New York holding first position, with a lead of nearly \$45,000,000.

These figures from the Department of Commerce do not refer to port traffic, but to export commerce which originated in Texas. In addition to this, the ports on the Texas coast accommodated a large amount of traffic originating in Oklahoma, Kansas, Colorado, New Mexico, and other interior States.

The traffic that actually passed through the ports of Texas, representing the products of several States, totaled 44,943,526 tons, valued at \$1,753,386,616. The major portion of this went into the export and outgoing coastwise trade. The imports were small, being but little more than 1,000,000 tons.

This great volume of trade was, upon the whole, of an extremely high class, as the records of both the War and Commerce Departments of our Government will show. The leading items were cotton, gasoline, refined oils, wheat, and sulphur. Other important commodities were cottonseed products, rice, wheat flour, lumber, corn, barley, wool, and mohair. A large tonnage of copper, zinc, and lead bullion were also handled.

The 29,000,000 tons of gasoline, crude and refined oils that left the Texas ports in 1928 not only found a market in every State in the Union but cargoes went to practically every port in the world, including those of Africa, India, and Arabia.

The 2,000,000 tons of sulphur that passed through the Texas ports in 1929 entered into nearly every industrial plant in the United States. Of the 7,925,000 tons of sulphuric acid consumed in the industrial plants of the United States in 1929, 70.8 per cent was made from Texas sulphur, as shown by the careful estimates of Chemical and Metallurgical Engineering endorsed by the Bureau of Mines.

There were 288 plants engaged in the production of sulphuric acid during the year of 1929, the State of Georgia heading the list with 32, nearly all of which were in connection with her great fertilizer industry. In quantity of sulphuric acid produced

New Jersey headed the States with 11.98 per cent of the total production; Pennsylvania being a close second, with 11.70 per cent. Pennsylvania was first in consumption, her great industries taking 10.79 per cent of the total.

Practically no known industry can exist without sulphuric acid. The principal uses to which it was applied in 1929 were as follows:

	Tons
Fertilizer	2,360,000
Petroleum refining	1,570,000
Chemicals	820,000
Coal products	820,000
Iron and steel	770,000
Other metallurgical	625,000
Paints and pigments	215,000
Explosives	195,000
Rayon	145,000
Textiles	85,000
Miscellaneous	320,000

These estimates of chemical and metallurgical engineering show only a few of the many essential uses of sulphuric acid. Without it and without the sulphur of which it is the chief derivative there is no known practical way to bleach paper; to refine sugar, gasoline, or oil; galvanize iron; vulcanize rubber; or render the fertilizing properties of nitrates, phosphates, and potash available for plant food. It is hard to conceive of any commodity of commerce as being of greater national importance.

Cotton has for many years constituted the chief item of commerce passing through the ports of Texas. The shipments in 1928 were 1,545,895 tons, the equivalent of 6,183,580 bales. This cotton was produced principally in Texas and Oklahoma, and represented about 42 per cent of the total American production for that year.

It might be of interest to state a few significant facts with reference to the cotton production in Texas. There were 3,778 gins and 178 cottonseed-oil mills in operation in the State in 1928. These gins were located in 220 counties and represented an investment of approximately \$80,000,000. About 22,000 persons were employed in this operation, and the horsepower installed is estimated at \$85,000.

The Texas production in 1928 was 4,941,545 bales with a value of \$526,720,000. Cotton picking for the season gave employment to approximately 350,000 persons, and the total wage paid was estimated at \$75,000,000. The average daily wage was about \$3.50.

The cottonseed produced was 2,276,000 tons, valued at \$87,428,000. From these seeds 512,244,564 pounds of oil were obtained, valued at \$42,670,000. The oil cake was valued at \$32,740,000. The linters at \$7,772,000. The hulls at \$4,246,000.

Wheat is another article of export through the Texas ports which has assumed large proportions. Exports at Galveston alone have averaged more than 39,000,000 bushels per annum through a period of five years.

Houston is also making preparation to handle a large volume of wheat. The elevators erected a few years ago proving of insufficient capacity, large additions are to be made. A bond issue for this purpose was authorized at an election held on March 22 of this year. The shipments from Houston in 1929 amounted to 5,014,151 bushels.

The wheat exported through the Texas ports is grown principally in Kansas, Oklahoma, Colorado, New Mexico, and Texas. Consequently, each of those States is vitally interested in the efficiency of the ports on the Texas coast. Oklahoma also holds extremely high rank in the production of oil and cotton, the major portion of her great surplus passing through these gateways to the world market.

The great industrial East is also materially interested in Texas port conditions. Through Texas ports it receives vast quantities of raw materials, including that for sulphuric acid, without which the great industries of fertilizer, textile, coal, steel, and other activities must cease to operate until a substitute could be found.

The Texas ports, with the exception of Galveston, are of comparative recent creation. The work of dredging the harbors and channels has, in most part, been done since Congress adopted the plan of requiring local cooperation. Consequently, it has generally been done on the 50-50 plan of payment. Such was not the case with the older ocean and Gulf ports.

True, local cooperation has been applied at many places to the extent of requiring rights of way, spoil-disposal areas, turning basins, exemptions of the Federal Government from damages, and the erection of terminal facilities and other incidentals. Texas port districts have expended many millions for all these purposes and, in addition thereto, have, in most instances, been required to pay in actual cash one-half of the cost of the original improvement and dredging of channels.

In the case of Corpus Christi the total expenditures by local interests amounted to more than \$5,000,000, while the Government expenditures were \$1,800,000.

In the case of Beaumont, in addition to the 50-50 payment, local interests were also required to maintain the channel for a period of three years. This was a sort of try-out proposition. Beaumont proved her case. Her commerce in 1928 was 10,228,286 tons, valued at \$150,200,000.

The Houston Ship Channel, completed only a few years ago, handled approximately 14,000,000 tons of freight last year. This, on a channel only 30 feet deep and only 150 feet wide, is without a parallel in ocean shipping in this or in any other country.

Corpus Christi was created a port in September, 1926. Her commerce started at that time. For the calendar year 1928 it had grown to a volume of 3,554,873 tons. The engineers of the War Department have recommended an increase in the depth of the channel from 25 to 30 feet.

Freeport, with a substantial improvement completed last year, increased her tonnage more than 25 per cent in the first six months thereafter. This improvement cost about one and one-half million dollars, two-thirds of which was paid by the port district and one-third by the United States. This is one of the great sulphur ports of the State.

Port Arthur is the great oil and gasoline center of the Southwest. The huge refineries of the Gulf and Texas companies are located there. It is connected by pipe line with oil fields in Texas, Oklahoma, Kansas, and Arkansas. The shipments of the port, exceeding 8,000,000 tons annually, consist principally of gasoline and refined oils, asphalt, paraffine, and petroleum coke.

Texas City usually handles about 4,000,000 tons annually. It is located on the mainland across the bay from Galveston. The imports consist principally of Cuban raw sugar and outgoing commerce of gasoline, cotton, and sulphur.

Galveston has had a substantial trade for many years. The tonnage is usually between six and seven millions, ranging in value from six hundred and fifty millions to one billion dollars annually.

We have no surplus of ports in the United States. We have none in Texas. Each is performing a necessary part in facilitating the movement of a vast commerce. If any should be abandoned, or rendered inefficient, the effect would be reflected in greater or less degree in every section of the country.

They perform a national as well as a local function. [Applause.]

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, it is not agreeable to me to find myself opposed to the views of my colleagues on the committee. I dislike to disagree with some of the splendid engineers of the American Society of Engineers who were witnesses before our committee and who are sponsoring this legislation.

The first question that arises, the one I think this House should first consider, is whether or not this additional unit in the Bureau of Standards is needed. Many eminent engineers of the American Society of Engineers said that it was needed. There were two sides to the question. My good friend from Louisiana [Mr. O'CONNOR], in his usual enthusiasm, has seen fit to sponsor this bill—and I regret very much to find myself out of accord with him—as well as the distinguished Senator from Louisiana [Mr. RANSDELL], who is also sponsoring the legislation. In addition to the expert engineers of the American Society of Engineers in whose minds this idea originated, we had the engineers of the United States Army before the committee, including the Chief of Engineers. The former Secretary of War, when the hearings were held in 1928, condemned this piece of legislation. I am sorry to disagree with so eminent an engineer as General Brown, the only engineer of the United States Army who has given our committee his approval of this bill.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. The gentleman was going first to address himself to the need of a laboratory.

Mr. McDUFFIE. I shall do that.

Mr. DEMPSEY. I call the gentleman's attention to the statement at the bottom of page 6 of the report:

A number of the university laboratories have contributed substantially to hydraulic research along lines for which they were equipped. In general, the university laboratories are of very modest dimensions and the equipment has been selected primarily for purposes of instruction. There is not among them at present a single laboratory equipped to carry on experiments in river or harbor hydraulics.

Mr. McDUFFIE. I shall answer that. River and harbor hydraulic experiments are not carried on by small models in laboratories.

Mr. DEMPSEY. Was not that what the testimony before the committee showed without contradiction?

Mr. McDUFFIE. Oh, there was contradiction. That sort of testimony was before the committee. We had much contradic-

tory testimony before the committee. The gentleman will remember that the Chief of Engineers—

Mr. DEMPSEY. Present or former?

Mr. McDUFFIE. The one who appeared when we held the hearings in 1928, General Jadwin. He said that in so far as the river and harbor work was concerned, and it seems that is evidently the main purpose of the bill, judging by the chairman's argument thus far, better results could be obtained by studying these problems in the places where the construction is to take place. I do not think the chairman of the committee will contradict that statement.

I think the weight of testimony of all our experts, so far as Government experts are concerned, as to the river and harbor work, was to the effect that experiments could be accomplished better on the scene where the work is to be done than in some laboratory in Washington. Take the Mississippi River, for example. The gentleman did not tell the gentleman from New York [Mr. SNELL] that the engineers of our Army already having authority to make experiments and to build laboratories, and that they have a laboratory now on the Mississippi River. Think of the folly of bringing a few barrels of dirt here from the banks of the Mississippi River, together with a few jugs of water, to study in Washington the soils in the banks of the river, when those banks comprise 50 different types of soil, and when that water will have become half water and half sediment when it reaches Washington! Think of the folly of studying with a small model the problem involved in the Mississippi River.

The testimony showed, as the result of an investigation made by two Army engineers who went abroad and studied the laboratories which they found of any prominence, that most of the work on rivers and harbors was done at the scene where the work was to be constructed, and that much of the work done in the laboratories over in Europe was done in educational institutions which they call high schools.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. It is a fact that the gentleman will recollect that the Chief of Engineers, while he had authority to construct a hydraulic laboratory on the banks of the Mississippi, asked us to grant him authority to construct a laboratory here, and suggested Fort Humphrey as the place where he wanted it. Second, in the European studies—

Mr. McDUFFIE. Let me answer the first suggestion. If he really thought there was a laboratory necessary, it did not change my opinion. I do not think it necessary for the Army engineers or for the Bureau of Standards to have such a laboratory. If he did, he did it on the theory that if there is to be a laboratory which might partially take the initiative or the responsibility in any works with which the engineers have to do, then that laboratory should be under the control of the Army engineers themselves. In other words, he took the position that to-day the Army engineer is chargeable with the responsibility of his construction, whether it be a bridge, a dam, a channel, or what not. He feared that some expert in Washington, after fooling with a little trough and a few pounds of dirt, would send down plans and specifications and tell the engineer on the job how that job should be done, and thereby give the engineer on the job an opportunity to say, "This is not my plan; this is the plan sent by that great bureau in Washington which Congress has established, and I shall build this according to those plans, and if it blows out or if it breaks down, the responsibility rests not on me but back in the Washington laboratory." That was the theory General Jadwin had. I suggested to him then, as the gentleman will remember, that I did not think the engineers needed any such laboratory, and the gentleman will recall, also, that the committee put in the old bill of 1928 a provision for a hydraulic laboratory under the charge and supervision of the Chief of Engineers and the Secretary of War. We reported that bill to the House, but it was not called up. Now comes the present Chief of Engineers, who appeared before the committee and approved this bill—a man of very high standing, a man of great ability, a man for whom I have the very highest regard, but the only man in the Engineer Corps who yet has favored this legislation. Does the gentleman deny it?

Mr. DEMPSEY. Let us see what the gentleman said.

Mr. McDUFFIE. Oh, I know what I said. Ask a question, if the gentleman wishes—

Mr. DEMPSEY. I want to make a suggestion.

Mr. McDUFFIE. I do not want the gentleman to make a speech, because I might not understand it.

Mr. DEMPSEY. The gentleman says two things. He says, first—

Mr. McDUFFIE. I know what I said. I do not want the gentleman to go into what I said. I beg the gentleman's pardon, but I have a lot of other things to say.

Mr. DEMPSEY. Is it not a fact, first, that the former Chief of Engineers, despite all of the arguments in regard to the barrels of dirt and jugs of water, did ask the Committee on Rivers and Harbors to establish a laboratory at Fort Humphreys? Second, is it not a fact that these schools or places where the studies were made in Europe, which were efficient and successful, were mostly under the support of the governments of the countries where they were located? Third, is not it a fact, as the gentleman has stated, as I understand him, that the Committee on Rivers and Harbors did report a bill for a hydraulic laboratory before they reported this one? In other words, have they not been in substantial accord, after hearing this scientific testimony, in the belief that such a laboratory would be highly useful and aid in the progress of the development of our waterways?

Mr. McDUFFIE. I do not know about the substantial record, and the gentleman knows why this bill is before us. General Jadwin testified that we can best study such a problem as we have on the Mississippi River, which the gentleman took so much time to explain to the gentleman from New York [Mr. SNELL] this morning, right down there on the Mississippi River, and that it could best be handled there.

Is not that the testimony of General Jadwin? If it is not, I will read it to you. General Jadwin finally arrived at a compromise, and suggested that if we are going to have a laboratory dealing with river and harbor work we should have one under the supervision of the engineers of the War Department.

Mr. DEMPSEY. Let me answer first the gentleman's question.

Mr. McDUFFIE. All right.

Mr. DEMPSEY. The question was whether the testimony of General Jadwin—

Mr. McDUFFIE. I beg the gentleman's pardon. I am capable of understanding the gentleman's answer to my question. But I beg the gentleman not to make a speech. I submit that that is not quite fair. He has already taken quite a lot of my time.

Mr. DEMPSEY. I would have answered the question long ago if you had let me.

Mr. McDUFFIE. I doubt it.

Mr. DEMPSEY. The gentleman's statement was that he wanted it left in the field. My answer to his question is that the whole subject of the Jadwin plan is unsettled. That was the feature of the speech of the gentleman from New York, that a quarter of a million dollars was necessary to carry out General Jadwin's plan, and that a revision is necessary; and I demonstrated that we do not at present have the necessary laboratory in which to study his data and the necessary fundamentals with which to formulate his plan.

Mr. McDUFFIE. I think General Jadwin's opinion might have arisen from the fact that if we have a laboratory it would deal with these great problems. But when it came to a practical solution of the problem it was necessary to make experiments on the ground where the work is to be done.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Under what conditions was the bill reported? I wanted to ask the gentleman this question in view of the statements that he has made, to the effect that practically all of the engineers were adverse to the recommendation of the committee which reported the bill.

Mr. McDUFFIE. I will say to the gentleman that I do not know under what conditions the bill was reported out of the committee.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield right there?

Mr. McDUFFIE. I wish the gentleman would let me have my own time. The American Society of Engineers have been the most active proponents of this legislation, together with the Chief of the Bureau of Standards, a very eminent scientist, Dr. George K. Burgess; Mr. Van Leer; and Mr. Lew Wallace, both of the latter representing the Society of Engineers. Those are the outstanding proponents of this legislation. It was also suggested that President Hoover desired this legislation.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. I do not want to yield. If the gentleman has a different answer, I hope he will make it in his own time.

Mr. WILLIAM E. HULL. Do you not expect to use this laboratory for other purposes than rivers and harbors?

Mr. McDUFFIE. I am trying to show you that there is no need for this laboratory for either purpose.

Mr. WILLIAM E. HULL. For any purpose?

Mr. McDUFFIE. For any purpose.

Mr. DEMPSEY. I think I could be helpful to the gentleman from Alabama.

Mr. McDUFFIE. Gentlemen of the House, the facts are these. In 1901 Congress passed an act authorizing the establishment of the Bureau of Standards. It carried the authorization for an appropriation of \$320,000, an amount less than is proposed for this one small unit. Within a little more than a quarter of a century that institution has grown to be the most marvelous institution of its kind in all the world. No other Government on earth has such an imposing array of splendid buildings, with a thousand employees, at a value of \$6,500,000, with an annual pay roll and cost of maintenance in the amount of \$2,500,000 annually. That is what it is costing. This unit here is but an entering wedge, because Doctor Burgess says it is a "good start." A good start to what? To build up an enormous addition to the Bureau of Standards here in Washington.

Now, is there need for it? Let us see what we have in this country. I think these gentlemen will agree with me that outside of the opinion of a few expert engineers of the Society of Engineers, every witness testifies that we are not behind the Old World as a general rule in carrying on scientific researches and investigations. Indeed the late lamented General Taylor, former Chief of Engineers, said that in so far as river and harbor work is concerned, this country is far ahead of any other Nation in the world. This was demonstrated during the late war.

He further said that they were long in theory in those universities over there in Europe, but they were rather short in practice, and that this country had outstripped all other nations in the world when it came to scientific development so far as river and harbor work is concerned.

Remember we have this authority already, and we have already established a laboratory on the Mississippi River. It is all foolishness to attempt to meet the problems of the Mississippi River in a little room or office out here in the suburbs of Washington. That great stream has 50 different types of soil in its banks. There are deep holes, two or three hundred feet deep, even near New Orleans, with currents of many types in the stream. You can not deal with that problem here in Washington.

But, aside from that, Mr. Chairman, we have in this country now more than 70 laboratories, including a very fine one at Worcester University. The chairman said they were all small and inefficient. But here is one that was built largely by donations and which is as fine as most of the best laboratories of Europe and probably superior to them. These universities and colleges all over America have in the main the necessary equipment, and are ready and prepared to do this work. But here you propose to establish a sort of national university and set the Government up in business against the universities and colleges all over this country. These institutions might expand their facilities. One institution in Iowa is a magnificent one, and it has done wonderful work for the benefit of the problems arising in the West. In addition to that, our Bureau of Standards, with its vast overhead, is now doing great experimental work. I realize that this Government must expand its functions as it becomes larger and more magnificent. I find no fault with the present Bureau of Standards.

But in addition to the Bureau of Standards there are 125 or 150 engineers doing research work in the study of hydraulics in the Geological Survey of the Department of the Interior. The testimony shows that in the Department of Agriculture there are 50 or 60 expert engineers studying the very problems which it is said must be studied in this proposed laboratory, doing nothing else but research work day in and day out. There are more than 200 engineers outside of this bureau in Washington, in the various departments, studying and solving the very problems which my friends now say we must have this laboratory to solve.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. McDUFFIE. I yield.

Mr. WILLIAM E. HULL. From the testimony of the engineers who went abroad, would it not appeal to the gentleman that a Government as large as the United States ought to equip itself with a hydraulic laboratory and have one place to determine all these questions? Is not that common sense?

Mr. McDUFFIE. I do not think so.

Mr. WILLIAM E. HULL. Well, will the gentleman answer the question? Is not that common sense?

Mr. McDUFFIE. It is not common sense, if that is a better answer. There is a reason for that answer. Private enterprises in this country, with all of the billions invested and planted on our streams for power development, have to-day the best ex-

perts in the world studying all the various problems of water. Some of our universities have as fine laboratories as can be found in Europe, with one or two exceptions.

We are not behind Europe; we are not behind the world in scientific research and development, and for that reason I say that instead of this beginning of \$350,000, which may grow in a quarter of a century to six or eight or ten million dollars, it will be better to conduct this study in the universities and in private laboratories. We do not need to set up any other unit or any other bureau within the Bureau of Standards, to simply say that because we are richer than any other nation in the world we must have a big building and study these problems on a larger scale than anybody else, because the need for it is not shown. What is the need for this expenditure to start this little unit, which will grow to great proportions in the future?

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. McDUFFIE. I yield gladly.

Mr. WILLIAM E. HULL. If the gentleman were a small manufacturer and had no facilities with which to get this experimental work done, would the gentleman not have just as much right to have that determined by the Government as though he were a rich manufacturer and able to determine it himself? In establishing this laboratory experimental qualifications will be given to all small units in the United States, and they will have an opportunity to compete with the large units that have the money to establish their own. Is that not correct?

Mr. McDUFFIE. They have just as much chance now as the larger one.

Mr. WILLIAM E. HULL. Will the gentleman please answer the question?

Mr. McDUFFIE. I am going to answer the question if the gentleman will allow me. They have just as much right and opportunity now, with all the facilities of the country available. Indeed, the gentleman remembers that on one occasion the Bureau of Standards sent a man to California, 3,000 miles, to help somebody in a plant out there, and they are ready to do it now.

Mr. WILLIAM E. HULL. The gentleman is willing to admit that we have not any unit now to do it with?

Mr. McDUFFIE. I am not admitting that we have not any unit with which to do it. We have ample units to settle all the problems, with few exceptions, here in Washington, and the few hydraulic problems outside of river and harbor work might be settled in various universities in many States and by private enterprise in 5 or 6 or 7 different places in this country where very good laboratories are maintained.

Mr. WILLIAM E. HULL. The gentleman will admit that there is nothing in the Bureau of Standards to settle anything, or any place else, for that matter? A man who is not equipped has to go out and get some laboratory or get some private concern in order to find out what he wants to know. Why should not the Government put in a unit to give the smaller industries a chance? That is what this means.

Mr. McDUFFIE. Oh, the gentleman is wrong and that does not amount to anything at all in an argument for this bill. The smaller industries, if they come here now, would have to pay a fee for any service that is performed for them, and they do come here. They can go to the universities and have the same service performed now for a fee and possibly a lesser fee—we have the talent in America and the equipment necessary to study all our problems. What is the use of establishing this additional bureau here in Washington? The small man would have to come to Washington just as he has to go to the west coast or the east coast or to some college or university. He will have to go somewhere, and it matters not where it is, if he has no laboratory of his own.

Mr. WILLIAM E. HULL. But he will be given an opportunity to compete with the larger concerns.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. McDUFFIE. I yield.

Mr. MOORE of Virginia. Does the testimony show that the small enterprises alluded to by the gentleman have had any difficulty at all in having investigations conducted and information supplied?

Mr. McDUFFIE. No. The small enterprise idea originated in the imagination of my good friend from Illinois [Mr. WILLIAM E. HULL]. There is not a particle of testimony that any interest, big or little, was ever denied any right to come here and get any study or test the laboratory can make, and the Bureau of Standards makes many.

Now, as to the need for this legislation. I said earlier in this discussion, that we had authority for it already. In the course of the growth and development of this bureau, it was decided there was need for equipment to measure the accuracy of meters. Congress appropriated money, and equipment was

bought and installed in one of the buildings, and they are testing meters now.

There was no need for additional legislative authority to begin the meter testing. All that is needed to-day to secure equipment to study hydraulics, is an appropriation. Of course, if a new building is involved, the executive department can proceed to construct it under our general law providing for construction of public buildings. Therefore, this legislation is unnecessary.

Now, gentlemen, where is the demand? Who is asking for this? Nobody, that I know of, except the American Society of Engineers and other bureaus or departments of Government. Doctor Burgess came down—the splendid and magnificent gentleman that he is—and said he thought he needed it, and he said it would be a “good start,” just a start. I do not like to disagree with the doctor, but I do not agree that this is needed, because we have ample facilities throughout this land and more laboratories than there are in Europe to do similar work. I do not agree with the engineers in the War Department that we need a laboratory. I do not think we need to provide for one anywhere, but if we are going to have one I think the provision we placed in the original bill of 1923, which was not passed, should become the law and not a bill of this type. Put it in charge of those who are dealing with rivers and harbors work.

Mr. DEMPSEY. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. Has not the gentleman suggested that a part of the equipment, a considerable part of the equipment, is already installed, and is it not a fact that it is already installed in the Bureau of Standards?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. And if you start as the gentleman suggests, you will have to start from the bottom with the engineers, and we will have to scrap and lose the value of all the valuable equipment that we already have.

Mr. STAFFORD. I would like to inquire what the equipment is other than the flume?

Mr. DEMPSEY. On page 5 of the report the gentleman will find a full statement of the equipment.

Mr. STAFFORD. It consists only of a flume, as I understand it.

Mr. DEMPSEY. No. The gentleman will find there a very elaborate description of the equipment.

Mr. McDUFFIE. I do not think there is any need for any legislation even if we needed a laboratory. Of course, Doctor Burgess said he had to secure legislation for the building, but instead of asking for additional money, as he did in the case of meters, he seems to think now he does not have such authority. There seemed to be some doubt in his mind as to whether he had the authority, but in order to be on the safe side they said, “We will ask Congress not only for authority to erect a building, but we will ask Congress to give us authority to set up a new organization within the Bureau of Standards.” He says he can run it on \$50,000 a year, yet he proposes to have 20 employees. I want to know how they are going to take \$50,000, with 20 employees and one or two experts, one or two at \$5,000 and several at \$3,500 to \$4,000, and have experts sufficient to deal with the many great problems which gentlemen claim must be submitted to them.

Now, what are some of those problems? First, let us see what a hydraulic laboratory is.

A hydraulic laboratory is a building especially arranged for investigating the physical laws which define the motion of water.

Which they are doing now on the Mississippi River and can be done on any river where river work is being prosecuted by the Government.

And for studying, by means of models and other special equipment, engineering problems arising in connection with the measurement.

Which they are doing in the Geological Survey.

Control and disposition of large quantities of water—

Which the engineers are already doing.

And the utilization of water for irrigation and power purposes.

Which is also being well done by private enterprise everywhere in this country, and very satisfactorily done by our engineers of the Agricultural, Interior, and Commerce Departments of this Government. The fact is our country is far ahead of the world in hydraulic achievements.

Therefore I say there is no need of setting up an additional agency here in Washington. You can take \$350,000 and do some real needed service in this country. You could build a substantial harbor with that much money. There are many activities now needed by the Government in a great many places

throughout the country where this \$350,000 would bring about a vast measure of good to the public, whereas here, in the light of the fact that the testimony does not show—with the exception of those with whom probably the wish is father to the thought—that there is any need of this laboratory, it seems to me it means that much money wasted. I think we should defeat this bill and devote this money to some good river or harbor project.

Mr. DEMPSEY. Will the gentleman yield?

Mr. McDUFFIE. I yield.

Mr. DEMPSEY. The gentleman's suggestion is this, is it not, that instead of having one laboratory at Washington we should have a laboratory on every river of any consequence, in every harbor that needs any study, and at every point on a river where hydraulic questions arise?

Mr. McDUFFIE. If we need it.

Mr. DEMPSEY. In other words, instead of one laboratory we would probably have 1,000?

Mr. McDUFFIE. According to the testimony of the Chief of Engineers, you can have a thousand laboratories on the Mississippi River for what this one will cost.

Mr. DEMPSEY. Thirty-five dollars apiece?

Mr. McDUFFIE. About. No; not \$35 apiece. I beg the gentleman's pardon. He said you could build one for \$1,000 that would answer your purpose in many instances on these great streams, whereas you could not buy a foot of ground here in Washington on which to erect this building for that price.

Mr. DEMPSEY. We already have the ground.

Mr. McDUFFIE. I know we have, but we have not the building and we have not the equipment. Even if we had it, we could not, with any degree of success, according to the best experts, and even some of the engineers of the American Society of Engineers, deal with large rivers and could not have the success we would have with a laboratory on the river itself. I do not think the gentleman will deny that.

Now, gentlemen, let me complete, if you will, the further functions of this laboratory.

The fundamental conception underlying experimentation by means of models in a hydraulic laboratory is this: If the model demonstrates that the conditions existing in a harbor, for example, can be reproduced typically by the ebb and flow of tides in the model, then it is possible, by placing regulating works in the model, to show the changes that will be brought about in the harbor if these regulating works are built. The effectiveness of proposed regulating works can thus be determined in advance by means of model experiments at small expense, and the most efficient and economical design selected from a number of proposed plans.

The new institution or laboratory, when you have finished it, as I understand, will be open to all comers, just as the Bureau of Standards is now. I asked the doctor if they would charge a fee. He said, “Yes; we do charge fees,” and therefore we can very well assume they will charge a fee for any and every experiment for everyone except the Government. Therefore the little manufacturers are going to have the fee proposition to meet, it matters not where they go. Here you are proposing that the Government set itself up in business in competition with the universities, and you have, in effect, a great national university for the study of all hydraulic problems here in Washington, maintained at the expense of the Public Treasury. I say this should not be a part of the functions of the Federal Government.

Mr. CARTER of California. Will the gentleman yield?

Mr. McDUFFIE. I yield.

Mr. CARTER of California. The universities the gentleman is speaking of are State institutions, are they not?

Mr. McDUFFIE. Absolutely.

Mr. CARTER of California. Then what is the difference whether this is fostered by the State or the National Government?

Mr. McDUFFIE. The picture I was trying to draw—the gentleman may not have understood me—was that we were putting the National Government in competition with these educational institutions that are doing this work for a fee. They might extend their facilities, but you will not permit them to do this when you have the Federal Government building a greater university here. The experiments might well be the work of students.

Let me give you some of the problems they say we need to study.

At page 349 of the hearings it was suggested that the following industries were chiefly concerned with the establishment of a national hydraulic laboratory:

First. Pump manufacturers.

Second. Hydroelectric power utility companies.

Third. Waterworks supply manufacturers.

Fourth. Hydraulic turbine manufacturers.

Fifth. Hydraulic instrument manufacturers.

Yet not a single one of these industries have urged or, so far as I have learned, even suggested the passage of this bill. Great industries are doing their own research. It took no Government laboratory to produce the inventions of Edison, the Wright brothers, Morse, Watt, Fulton, Reese, Hutchinson, and many others whose achievements have added to the glory of American genius.

Mr. WILLIAM E. HULL. Will the gentleman yield for just one question?

Mr. McDUFFIE. I yield.

Mr. WILLIAM E. HULL. If these State laboratories that the gentleman speaks of are in existence to-day so that a person with a small business can go there, name one of them.

Mr. McDUFFIE. The University of California, the University of Iowa, the Polytechnic Institute at Worcester, Mass.—I could name six of them, and I have telegrams here from them saying they are prepared and willing to do experimental work for the Government or anyone else. They are doing it for private enterprise, and I can not yet see why we need this plant here in Washington.

Name some of the problems you are going to settle and I will show you that they all, or many of them, are being settled or studied by our governmental departments now. When we built the Gatun Dam, which is a monument itself to American engineering skill, we had no hydraulic laboratory here in Washington.

Mr. DEMPSEY. We probably felt the need of it and no doubt that is one of the reasons we are advocating this measure to-day.

Mr. McDUFFIE. The gentleman says they felt the need of it, but the Gatun Dam stands to-day as a monument to the skill and the science of American engineers and the gentleman knows it. Of course, we all sometimes feel the need of help. The gentleman sometimes feels the need of help, and we all do, yet the gentleman is a remarkably successful chairman of the Rivers and Harbors Committee, and the fact he may sometimes feel the need of help does not mean he can not function and does not function without help. The United States Army Engineers did build monuments to themselves on the Isthmus of Panama and at the Wilson Dam, without a laboratory in Washington. The Reclamation Service has spent \$150,000,000 through and by the best engineers in the world, dealing with the very problems you say we need this hydraulic laboratory to deal with, and no vast mistakes have appeared that I know of.

Mr. DEMPSEY. Will the gentleman yield right there?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. And they appeared before our committee and were united in saying they needed this laboratory and that it would save them vast sums of money and would make their work more efficient and would be absolutely invaluable.

Mr. McDUFFIE. Yes; but judging by the past they do not need it, and judging from the number of engineers we have on the job now, in all departments, we do not need any additional experts to solve our problems.

Mr. DEMPSEY. You can not tell what mistakes have been made or how costly they may have been.

Mr. McDUFFIE. And aside from that, the gentleman knows and this House and every Member here knows how easy it is for one of these bureaus to get in touch with another bureau and have that bureau come to its rescue in an effort to enlarge itself. This has invariably been done and has been done in this particular instance. We had the Geological Survey of the Department of Agriculture and every bureau that is now dealing with these same hydraulic problems, come before the committee, and they all, of course, testified that they needed this extra unit in the Bureau of Standards here in Washington. Such has been the practice ever since I came to Washington, and doubtless beforehand.

Mr. CARTER of California and Mr. DEMPSEY rose.

Mr. McDUFFIE. May I yield first to my friend, the gentleman from California, where they have a magnificent university doing this very kind of work for pay.

Mr. CARTER of California. There will be plenty of work to be done by the University of California after you establish this hydraulic laboratory here.

Mr. McDUFFIE. I do not know about that.

Mr. CARTER of California. I wanted to ask the gentleman if his reason for opposing this bill is based upon the fact and upon the argument he is making at the present time that this magnificent bill is indorsed by some other bureaus and departments?

Mr. DEMPSEY. By all the bureaus and departments.

Mr. CARTER of California. By all the bureaus and departments of the Government.

Mr. McDUFFIE. Why, of course, my reason is not that. The gentleman knows that of itself should not be a reason. That is not a reason at all.

Mr. DEMPSEY. That is what we thought.

Mr. McDUFFIE. I mean the fact that other bureaus indorse it is no reason for the enactment of this bill.

Mr. DEMPSEY. Oh, yes.

Mr. McDUFFIE. The gentleman may not have understood me. I was just stating to the gentleman how easy it is to get one bureau in Washington to come to the aid of another on any proposition of this kind, and stating that this has always happened, and that is what is happening here. This is not my reason for opposing the bill. I may have done the same thing if I had been Doctor Burgess, or some one else in one of these bureaus. Of course, that is no reason for opposing a bill; and my opposition is based upon the fact, if the gentleman pleases, that we do not need this legislation, and deep down in the gentleman's heart I believe he knows that we do not need this additional unit in the Bureau of Standards.

Mr. CARTER of California. Does the gentleman deny the importance and necessity of experimental work?

Mr. McDUFFIE. No; and we are carrying it on all over the United States, more than anywhere else in the world. That is the reason I say we should not pass this bill.

Mr. CARTER of California. Mr. Chairman, if the gentleman will yield, I want to say that the principle of similitude is invoked—

Mr. McDUFFIE. Yes; and I want the gentleman to explain to the House just what that is.

Mr. CARTER of California. I was going to ask the gentleman from Alabama if he would explain to me what it is.

Mr. McDUFFIE. I know just as much about similitude as the gentleman from California or the chairman [Mr. DEMPSEY] knows about the merits of this bill—and that is nothing. [Laughter.]

Mr. DEMPSEY. Will the gentleman from Alabama yield to me?

Mr. McDUFFIE. Yes, if the gentleman will explain the doctrine of similitude. [Laughter.] That is what you are going to study in the proposed laboratory.

My opposition is based upon other grounds, one of which was so well expressed by Chairman DEMPSEY, as shown on page 148 of the hearings, and here is what he had to say, doubtless before he received the information that President Hoover desired the passage of this bill. Colonel Markham, who visited Europe to study this question, was testifying before the committee:

Colonel MARKHAM. There is no doubt that the greatest time and space requirements of any laboratory is river and harbor problems. When you come to the question of a third party intervening with what the responsible head of works thinks ought to be done in a single laboratory having limited time and space, it is impossible for me to believe that anybody should control or influence the question except the man who has to come to a responsible conclusion, who knows what scale model he wants, how much time and money he can afford to spend on the experiment, and so forth, any of these river and harbor questions, as evidenced in Europe, can not be settled safely in a week or a month, but may take years.

I do not see how or why there should be any relation to such a matter, except by the department concerned, and which alone must conclude as to time and space, money expended, character of models, personnel—everything that has important bearing upon its final responsibilities in the matter.

The CHAIRMAN. To summarize what you have said, in a brief way, it is your opinion that there is always a sobering sense in the responsibility.

Colonel MARKHAM. Exactly.

The CHAIRMAN. That if a man knows that his reputation, character, and standing are to depend upon the results of the Government work which he is himself to have constructed under his supervision and for which he is responsible, that you believe first that he will have a keener realization of the importance of the task and apply himself to it with all the ability he has and with a greater diligence than would a man who was simply theorizing about it and not charged with the actual work.

Colonel MARKHAM. I do not think there is any doubt about it.

The CHAIRMAN. Let me ask you this: Here you have a great body of engineers with a fine education at West Point and subsequent scientific courses which they have regularly, and various war colleges giving training. They are charged with two things: First, with the scientific study of river and harbor problems, and, second, with carrying out of the works which are found by them to be in the interests of the river and harbor development. Suppose instead of those engineers making that study, some laboratory should make a study and the engineers be intrusted merely with the construction work. Would not that kill the initiative or scientific principle in that great body of men? Would they

not become merely men in the nature of contractors or superintendents of great works instead of being students and scientific men as they are trained to be? Would there not be that danger?

Colonel MARKHAM. There would.

Let me add in extending my remarks that this measure should also be hailed as one of the outstanding achievements of the Hoover administration. The distinguished leader, Mr. TILSON, should add this marvelous piece of legislation to his already famous list of achievements! The Nation, I am sure, will watch with interest the vast public benefits to follow after this \$350,000 is taken from the taxpayers' Treasury to begin another useless bureau in a large department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, some remarkable things happen in this House. The author of a bill is given 10 minutes to explain it, and those who have a desultory interest in it are given much more time. There may be some things about parliamentary rules and tactics that I do not understand, but I have a craving for enlightenment and some day I hope some chairman of a committee will be kind enough to explain to the House just exactly what is behind the back of his head when he keeps in the background men more interested in the measure than those who are talking for bunkum. [Laughter.]

I am interested in this measure. I do not come from Mobile—and I have an affection for that splendid city, which has in front of it the historic and poetic Mobile Bay. I do not live in a section that has not got a nightmare hanging over its head in the shape of floods that come down the Mississippi. I have respect for the engineers, but long experience has convinced me that the Army engineers have adopted unconsciously as their attitude to other men the commandment "Thou shalt have no other gods before Me."

But we in the valley no longer wish to look to them as gods or even give them the reverence given to a pagan priesthood in the long ago, for they have not contributed so greatly to the solution of the problem on which, in the minds of many, they have dismally failed for more than a century, to secure any permanently favorable noteworthy results.

It may be well for the gentleman from Alabama [Mr. McDUFFIE] to talk about there being no necessity for auxiliary authorization to do this work which we are looking for to protect us. It is easy to scoff at things when you are not in the very wake of the danger. "They jest at scars who never felt a wound."

The gentleman from New York [Mr. SNELL] asked for reasons for the passage of this bill. I do not want to take up any more time than is necessary, but I do want to state what I have in my mind. Let him sit at the feet of his own Gamaliel, the President of the United States; let him read the report of that gentleman when he was Secretary of Commerce, which will absolutely convince any man, except one with the mind of an Army engineer, of the necessity of this measure for the people of the Mississippi Valley. These men say, "Thou shalt have no assistance except from us, and we are going to close our eyes to everything in the nature of a solution except that which comes through our own brain." They do not want the assistance of any one of the 43,000 engineers who are members of the great engineering societies of America that have indorsed this proposition.

There was a time in the valley when we spoke in whispers of the Army engineers, but we are now enlightened and know that they wear pants and coats and hats like ourselves. I can remember the time when it was almost treason to question in public or private the sacrosanct wisdom of the Army engineers or the members of the Mississippi River Commission. I can not blame them for mistaking this slavish mental disposition and from dwelling upon it lay the flattering unction to their souls that they were of superior mold and adopt an attitude of intolerance that at times in the judgment of many resembled a supercilious arrogance, which I know was not a fundamental weakness nor would it have been a characteristic but for the oriental obsequiousness with which we assented to their fallacious judgments. In other words, worshiping him will make any fellow believe himself a god.

It is surprising that men at least their equals from the standpoint of education and talent would bow down and reverence these men that we have builded up into something like Olympians. Oh, yes; it is easy to sneer and scoff and ridicule the efforts of men who are seeking to bring into existence an agency that will aid and assist and open the eyes of men

charged with the greatest duty that America requires from her servants and her sons. I assert with all the positiveness in my nature that I have a respect for the engineers as men of education and professional ability, and I will continue to admire as long as I believe they are seeking ever and ever more light, like the men of my own profession—lawyers—who gave to the world its noblest conception of law, liberty, reason, and logic.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. McDUFFIE. Is the gentleman in favor of taking away the river and harbor work from the Army engineers?

Mr. O'CONNOR of Louisiana. No; but I want them to get the assistance of the civilian engineers of this country, and they should not blind their eyes to the fact that civilian engineers can give them assistance.

Mr. McDUFFIE. I do not think they have ever done anything of the kind, but will the gentleman not admit that under the present law they have the authority, and they all agree, and even a study in Europe shows that the best place to do this work is in a laboratory on the river, where the work is to be done, and not in Washington.

Mr. O'CONNOR of Louisiana. No; it does not show anything of the kind. You may just as well say that the geographical situation determines mathematical principles. It is an absurdity. I know that every step ever made in the line of progress has been opposed by some one. There are some men to-day who are still groping in the light of tallow dips, although this is an electric-light age.

There are some men who will not move forward and keep step with the march of progress. Yes, my friends, this is a good bill. My friend, Mr. STAFFORD, the other day recognized the goodness of the principle in the laboratory products bill which was passed at an expense of \$700,000 for the State of Wisconsin. It was a good bill, everybody favored it. It was a recognition, Mr. STAFFORD, of the laboratory principle involved in this bill, and I ask you, my friends, not to say that we shall do only what the Army engineers want us to do, admitting that they are against the bill. Do not say to us in effect "What was good enough for our grandfathers is good enough for us, what was good enough for our daddies, is good enough for us." Do not say we shall have no national laboratory, though all the world is bursting into a civilization that no one could have dreamed of 10 years ago, as the result of laboratory work. Do not say to the people of the valley who are praying for a solution of the terrible problem that has hung like a nightmare over them, we are going to deny this assistance, because men in a military uniform, that so frequently has disturbed the equanimity of better balanced minds, are secretly against this measure.

Mr. Chairman, as against the Army engineers, much as I admire and applaud some of their works and exploits, I place the engineers of the United States of America, and as against Mr. McDUFFIE, for whom I have an affectionate regard, I place Herbert Hoover, a man who has had a broader experience than Mr. McDUFFIE has had. As against General Jadwin—and I wonder if Mr. McDUFFIE believes General Jadwin's name is synonymous with wisdom in the Mississippi Valley—I place General Brown. My friends, it would be a step backward to defeat this bill which has such a high and noble purpose, it would be putting the mark of approval upon a stand-pat policy, it would simply mean that you are manacled and in bondage to the Army engineers, who have not lived up to the high hopes and the great expectations of the people of the Mississippi Valley.

From the time that I was a child the hope, the dream, the vision that was before us was the day when the Mississippi River and tributaries could be regulated, controlled, and made a great asset instead of the terrible liabilities they are under present conditions. We looked longingly to the day when they could be used for beneficial purposes, the day when we would no longer think of their uncontrolled waters thundering down from every imaginable quarter between the crest of the Alleghenies and the ramparts of the Rockies. What have the Army engineers done to bring hope to our minds? Nothing but despair is there as yet, because they have done nothing to solve satisfactorily the greatest problem that has ever confronted millions of American men and women who want to leave a safer country to their children than they themselves possessed. The gentleman from Alabama [Mr. McDUFFIE] tells you of the wonderful work done by the laboratories in the universities, and then sneers at the thought that such results could be attained from a similar laboratory in the city of Washington. Read that report, gentlemen, read the indorsements, for sometimes the indorsements give a higher character to a note than the name

of the maker. Pass this bill, because the people who are seriously afflicted, not those living beyond the territory not so affected, sorely need it. Listen to us who want something once in a while which will give us relief from the conditions that confront us. Pass this bill, give us light and more light, give us information and more information. [Applause.]

I thank you, my friends, for your friendly attentiveness to my extemporaneous and impromptu remarks, and will ask you if you wish for more information upon this most-engaging subject to read what follows as an extension of these remarks.

This bill, proposing to establish a national hydraulic laboratory in the Bureau of Standards, has been introduced in response to a nation-wide demand. The proposal was strongly supported in 1928 by President Hoover, then Secretary of Commerce, who in a letter to a congressional committee said:

There is an urgent need for a national hydraulic laboratory equipped to carry out hydraulic experiments on an adequate scale. I am satisfied that such a laboratory at the Bureau of Standards would be of great service to the Nation, and that it would soon repay the investment many times over through the savings effected in the cost of hydraulic structures resulting from the information gained through laboratory tests. Such savings have already been demonstrated by the work of several hydraulic laboratories in Europe, where great emphasis is being placed upon the value of the results obtained from experiments with models.

A national laboratory of this kind would be of direct value and assistance to all Government field services concerned with hydraulic questions, such as the Mississippi River Commission, Federal Power Commission, Coast and Geodetic Survey, Board of Engineers for Rivers and Harbors, Geological Survey, Reclamation Service, and the Department of Agriculture * * *

Under the proposed scheme of a hydraulic laboratory at the Bureau of Standards the field services would bring their problems to the laboratory, which would then, from several possible alternatives, determine from their experiments what is the best solution scientifically and the one which gives the most promise from the economical and financial point of view. The field service would then take the solutions of problems and apply them in the field. The two groups, scientists and engineers, are thus doing those things which they are best qualified by training and experience. There is no interference, but, on the contrary, the most effective kind of cooperation.

It is desirable that the national hydraulic laboratory should be under civilian control, staffed by professional men with civilian status and permanent tenure.

Experience abroad has shown that the quickest, most effective, and least expensive method of answering many river problems is to put the problem first into the laboratory. It may be expected that, in general, it will take several years and several million dollars for the river itself to answer a question, whereas in the laboratory an answer may often be obtained in a few weeks at a cost of a few thousand dollars.

(See appended letter.)

The hydraulic laboratory bill has received the indorsement of the Director of the Budget, Colonel Roop (see letter), and of his predecessor, General Lord. It has been indorsed by the present Secretary of Commerce. (See letter.) The passage of the bill has been urged strongly by the Bureau of Reclamation and the Geological Survey of the Department of the Interior and by the Bureau of Public Roads of the Department of Agriculture.

The proposal to establish a national hydraulic laboratory in the Bureau of Standards meets with the approval of the present Chief of Engineers of the War Department. In his testimony before the Committee on Rivers and Harbors General Brown said:

I am of the opinion that there is need for a national hydraulic laboratory, as indicated in the bill introduced. * * * I do not see that it is going to interfere with the Mississippi River work in any way, and it will probably be of great assistance to us as well as other people. * * * I do not see any chance of robbing the engineers of any initiative they have or might want to have in their work. It would be perfectly on their own initiative to go and ask the Bureau of Standards to perform certain experiments for them. * * * If they were equipped to do it, I would be perfectly willing for them to do it. We would furnish the data and furnish the observers and get the facts right there. There would not be any trouble about it for them to undertake the work, and if they could not undertake the work we would do it. * * *

I do not feel that this is any threat to the initiative or responsibility or anything else of the Corps of Engineers. I feel that it is brought about by a demand for hydraulic tests and investigation of fundamental hydraulic problems on the part of some agency of the Government that is not responsible for field results, and to which everybody can go freely and feel that there is no idea of being partial to anybody at that point. I believe that is the best place to go to get it * * *.

The Government has gone to great expense to foster aerodynamics by providing large wind tunnels where the aerodynamic laws governing the flight of airplanes could be studied. The marvelous progress which has been made in this field during the past decade and a half can be attributed to a large extent to the existence of these laboratories. Although we are now spending hundreds of millions of dollars for flood control, for improving navigation on our rivers, for developing our water-power resources, and for constructing enormous dams and irrigation works, no provision has yet been made by the Government for a national hydraulic laboratory. We have evidence from many European sources that the hydraulic laboratories there have saved their cost many times over in the reduction in first cost of large engineering structures, to say nothing of the much greater savings due to the added assurance that the structures have been built in the most effective manner possible. We have the testimony of some of our most eminent American hydraulic engineers to the effect that we are not utilizing hydraulic laboratories to the fullest extent in the design of our hydraulic structures because we do not have adequate laboratory facilities.

The manufacturers of hydraulic turbines in this country have in several instances built experimental laboratories to aid in the improvement of their product and to meet new conditions. However, these firms have not felt warranted in making the necessary outlay for some special types of research, such as the erosion of turbine runners, called cavitation, since the expense involved is large and the results would, in some instances, be of equal benefit to their competitors, even though the latter had gone to no expense in the matter. This situation can be best met by carrying on such research in a laboratory established by the Government, with the results available to everyone.

The proposed laboratory would have three principal functions. First of all it would carry out fundamental research relating to all types of hydraulic-flow phenomena, determining the numerical values of the flow coefficients more accurately than has yet been done. This would meet the demand for increased accuracy in our hydraulic data and would thus make it possible to save many thousands of dollars yearly in the design of our hydraulic structures. In the second place it would apply the knowledge thus gained to determine the most favorable form of engineering structure to meet given-flow conditions. It would make model tests when specific problems were submitted to it for solution. For example, in the construction of the Boulder Dam, which will be the highest dam in the world, the design of the huge spillways which will protect the structure from flood involves questions which have never confronted designers of spillways before, because of the great height involved. The design of these spillways will be accompanied by model tests made in the hydraulic laboratory in order to check every feature of the design. A single mistake made in the design of such a structure because of lack of sufficiently exact data could easily cost more than several such laboratories as are proposed in this bill. The third function of the laboratory would be to conduct routine tests on all kinds of hydraulic instruments and meters and on hydraulic pumps and turbines. At present the Bureau of Standards has no equipment or space for the first two functions described and is equipped only for testing current meters and the smallest water meters. It is frequently necessary to refuse requests for tests of various kinds owing to the lack of facilities.

The laboratory provided by this bill would be occupied primarily with work for the various Government services which are concerned with hydraulic problems. There is already assurance from the engineers of the War Department, the Bureau of Reclamation, the Bureau of Public Roads, and the Geological Survey that they have at the present moment a large enough number of pressing problems to occupy the major portion of the facilities of this laboratory for some years to come. And the number of such problems is continually growing. These problems relate in general to the irrigation and drainage of land, the construction of dams, silting of streams and the transportation of detritus, the design of spillways and the prevention of scour below aprons, flow and losses in distributing flumes, methods of measuring water in irrigation ditches, back-water caused by bridge piers and other obstructions, the hydraulic jump, and the design and improvement of current meters and other measuring instruments.

In addition, provision would be made for studying the phenomenon of cavitation; that is the erosion of rapidly moving turbine runners, propellers, pump impellers, and the like. This is one of the most serious problems confronting the manufacturers of hydraulic turbines to-day. Furthermore, the equipment provided for this purpose would be useful in studying the

same effect on the propellers of ships, where it is not merely the damage to the propeller which is serious but to an even greater extent the accompanying reduction in efficiency with its concomitant loss of speed.

Hydraulic research and model tests would also be undertaken for private individuals and concerns where adequate facilities are not available in the college or private laboratories. However, the policy of aiding such laboratories, rather than competing with them, would be observed.

There are numerous reasons why the Bureau of Standards is the best location for the laboratory provided by this bill. In the first place, the laboratory would be conveniently accessible to the main offices of the Government departments which will utilize the major part of its facilities. It will be a simple matter for their engineers to come to the Bureau of Standards to aid the laboratory staff in making plans for tests, to furnish information, and to watch the progress and results of tests. In this way the most effective cooperation will be maintained between those responsible for the execution of the field work and the staff responsible for the laboratory tests. There is probably no city in the whole country, other than Washington, where this condition could be met so effectively.

The fundamental purpose of the proposed hydraulic laboratory is scientific research, not the practical design of engineering structures. The laboratory will in no way replace the functions of the designing engineers of the various Government departments. Instead it will supplement their work by furnishing them with scientific data which they ask for and which will be obtained in the laboratory at their request. For this purpose the staff must be made up of men who are highly trained in laboratory technique and whose tenure is permanent, in order that there may be continuity of thought and action, thus assuring continual progress. The inspiration and the suggestions which come from being in close contact with research workers in many other fields are more important than the layman realizes, and these conditions are to be found at the Bureau of Standards to a degree which can not be equalled elsewhere in this country.

The bureau has a long and successful record of cooperation with other Government departments and the public and possesses the confidence of the people with whom it deals.

The proposed laboratory should be equipped with much better instrumental means for measuring flow, velocities, and forces than exist in most of our existing hydraulic laboratories. It will be necessary in some instances to develop greatly improved or completely new instruments for this purpose. The Bureau of Standards is in an exceptionally strong position in this respect, having among the members of its staff engineers and scientists who have spent years in the design and development of accurate scientific instruments. The shop facilities and the mechanical staff are adequate to do the finest instrument work.

Several members of the bureau's staff have had experience in hydraulic engineering and have had years of experience in laboratory research. A staff adequate to commence work in the hydraulic laboratory and to train the additional men who would be required could be recruited at a moment's notice from the personnel already at the bureau. One member of the staff has been engaged for two and one-half years in studying hydraulic laboratories, both in the United States and in Europe. Tentative plans have been drawn up for a laboratory adequate to meet the needs already referred to, and estimates of the cost indicate that the building and the permanent equipment can be built for the sum provided by the bill.

The Boulder Dam project alone is sufficient to warrant the establishment of the proposed hydraulic laboratory. The Chief Engineer of the Bureau of Reclamation, the service which will build this dam, has stated that no existing hydraulic laboratory in this country is suitable to handle some of the problems which will be involved in this mammoth structure. The proposed national hydraulic laboratory at the Bureau of Standards will meet this need if its construction is authorized promptly.

Every Government field service dealing with hydraulic projects is in favor of the immediate construction of a national hydraulic laboratory at the Bureau of Standards. It is supported by prominent engineers from coast to coast. It is urgently needed as an aid in the design of some of the great hydraulic projects now before the Nation. It is confidently believed that its cost would be repaid many times over in the aid it would give to our engineers in arriving at the most economic and efficient design of hydraulic structures. It will aid in translating opinions into facts—facts determined at small cost from the study of carefully constructed models; facts

which will be reflected in the economic and efficient design of these great hydraulic structures, which will stand as enduring monuments to our national development.

LETTER FROM MR. HOOVER WHEN SECRETARY OF COMMERCE

DEPARTMENT OF COMMERCE,

Washington, March 18, 1928.

Hon. W. L. JONES,

Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: In reply to your request for a report on bill (S. 1710) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce, I inclose a revision of S. 1710, which I am informed by the Director of the Bureau of the Budget is not in conflict with the President's financial program.

The revised wording provides for a board with the three Secretaries of Commerce, War, and Interior to determine projects for the laboratory, and also increases the estimate from \$300,000 to \$350,000 to provide for permanent equipment.

There is an urgent need for a national hydraulic laboratory equipped to carry out hydraulic experiments on an adequate scale. I am satisfied that such a laboratory at the Bureau of Standards would be of great service to the Nation and that it would soon repay the investment many times over through the savings effected in the cost of hydraulic structures resulting from the information gained through laboratory tests. Such savings have already been demonstrated by the work of several hydraulic laboratories in Europe where great emphasis is being placed upon the value of the results obtained from experiments with models.

A national laboratory of this kind would be of direct value and assistance to all Government field services concerned with hydraulic questions, such as the Mississippi River Commission, Federal Power Commission, Coast and Geodetic Survey, Board of Engineers for Rivers and Harbors, Geological Survey, Reclamation Service, and the Department of Agriculture.

I wish to emphasize the fact, however, that the work of the hydraulic laboratory is primarily and essentially of a laboratory nature. The various services named above are, so far as hydraulic problems are concerned, essentially field services, and for this reason I believe that the work of the hydraulic laboratory could be most effectively carried out at the Bureau of Standards, working in close cooperation with the field services.

It should be pointed out that there is a fundamental difference in point of view of the engineer and scientist. The engineer is charged with the execution of material projects and the handling of men. The scientist's duty is to study and discover principles in science and its applications which may be taken over by the engineer.

Under the proposed scheme of a hydraulic laboratory at the Bureau of Standards the field services would bring their problems to the laboratory which would then, from several possible alternatives, determine from their experiments what is the best solution scientifically, and the one which gives the most promise from the economic and financial point of view. The field services would then take the solutions of problems and apply them in the field. The two groups, scientists and engineers, are thus doing those things for which they are best qualified by training and experience. There is no interference, but, on the contrary, the most effective kind of cooperation.

It is desirable that the national hydraulic laboratory should be under civilian control, staffed by professional men with civilian status and permanent tenure.

General Jadwin, in his report on flood control to the Secretary of War, December 1, 1927, states, paragraph 143:

"Measurements and observations on our large rivers supply the best hydraulic data on the flow of such streams, since actual experiments with full-sized structures is preferable to experience with small-sized models. However, on occasions questions relative to the flow of water can be worked out by small-scale experiments. Such experiments may be useful in some of our lock and dam design, etc."

Experience abroad has shown that on the contrary the quickest, most effective, and least expensive method of answering many river problems is to put the problem first into the laboratory. It may be expected that in general it will take several years and several million dollars for the river itself to answer a question, whereas in the laboratory an answer may often be obtained in a few weeks at a cost of a few thousand dollars. It is not proposed that this laboratory shall be a toy, but it will be a building 450 feet long, containing facilities based on European experience, adequate to answer in a satisfactory manner many problems relating to water flow.

The advantages of establishing the hydraulic laboratory in the Bureau of Standards may be summarized as follows:

1. The bureau already possesses a large concrete flume, 400 feet long, which can be made an integral part of the hydraulic laboratory. This flume has already been extensively used for testing water-current meters for the various field services mentioned above.

2. A suitable site for the laboratory is available at the Bureau of Standards, involving no additional expenditure for land.

3. Power facilities for driving the pumps and other equipment are adequate.

4. The water supply at the bureau is adequate because the steadiest working conditions are obtained by recirculating the water.

5. The facilities for developing the necessary instruments used in hydraulic measurements are excellent and the shop equipment for such work is adequate.

6. The hydraulic staff of the laboratory if located at the bureau would have the great advantage of close contact with men in other branches of science and engineering. The European experiences have demonstrated the advantage of a laboratory located in a scientific center.

7. The underlying principle of the proposed hydraulic laboratory is research, which is in entire accord with the organization and purpose of the Bureau of Standards.

8. Civilian direction and staffed by professional men with civilian status with permanent tenure.

9. In the Bureau of Standards the laboratory will be centrally located, accessible to the other departments, and will be a service laboratory for them.

10. The bureau has had a long and successful experience in cooperating with other Government establishments and the public.

I am inclosing herewith a memorandum in the form of questions and answers in which the need for a national hydraulic laboratory is more fully set forth.

Yours faithfully,

HERBERT HOOVER.

LETTER FROM THE DIRECTOR OF THE BUDGET

BUREAU OF THE BUDGET,
Washington, January 10, 1930.

HON. ROBERT P. LAMONT,
Secretary of Commerce.

MY DEAR MR. SECRETARY: I am in receipt of your letter of the 23d ultimo concerning the reintroduction of bill S. 1710, for establishing a national hydraulic laboratory in the Bureau of Standards, which passed the Senate of the Seventieth Congress, but was not reported out by the House Committee on Rivers and Harbors.

You are advised that the expenditure involved in the introduction and passage of a bill similar to S. 1710 would not be in conflict with the financial program of the President.

Very sincerely yours,

J. CLAWSON ROOP, Director.

LETTER FROM SECRETARY OF COMMERCE

DEPARTMENT OF COMMERCE,
Washington, January 14, 1930.

HON. W. L. JONES,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

MY DEAR SENATOR: I have your letter of January 10, requesting a report from this department on S. 3043, entitled "A bill authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor."

For the information of your committee I am inclosing herewith a memorandum dated January 11, 1930, from the Director of the Bureau of Standards, regarding this bill, also a letter from the Director of the Bureau of the Budget, dated January 10, concerning a similar bill.

Very truly yours,

E. F. MORGAN,
Acting Secretary of Commerce.

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington, January 11, 1930.

Memorandum to the Secretary of Commerce.
Subject: National hydraulic laboratory.

1. I believe that the establishment of a national hydraulic laboratory at the Bureau of Standards, as proposed in H. R. 8299 and S. 3043, is highly desirable.

2. This laboratory would provide for the Government departments and for the general public adequate facilities for (a) fundamental research in hydraulics; (b) the investigation of specific practical hydraulic engineering problems, including model studies; and (c) testing of hydraulic machinery, the calibration of hydraulic instruments, and the investigation of their performance under special conditions.

3. Urgent problems in hydraulics are pressing for solution in the Bureau of Reclamation and the Geological Survey of the Department of the Interior, in the Department of Agriculture, and in the War Department, as has been evidenced by testimony given by engineers from these departments before committees of Congress. These problems affect vitally such public-welfare enterprises as the reclamation and the irriga-

tion of land, construction of canals and locks, development of our water power, navigation, flood control, stream gaging, and the erosion of our coast lines. In addition to these problems of governmental interest there are also problems of very great economic importance in connection with the design of water supply and plumbing systems and such hydraulic machinery as turbines and pumps.

4. This country is spending hundreds of millions of dollars annually in engineering works of a hydraulic nature. Our engineers have developed probably the best and most economical construction methods in the world and have applied their knowledge of hydraulic phenomena to their designs as well as any other group of engineers could. But they lack and feel the lack of more exact data and a more detailed understanding of the processes of flow which would enable them to improve greatly upon the fundamental features of their designs. It is this very deficiency which the proposed hydraulic laboratory would supply.

5. The educational and private hydraulic laboratories at present existing in this country are far from adequate to conduct the experimental work required. A national hydraulic laboratory would furnish for the United States Government and for the general public hydraulic engineering facilities comparable with the Government wind-tunnel laboratories, which have been so effective in advancing aeronautic science and engineering.

6. Modern research in hydraulics requires a specialized laboratory designed and equipped for experimental research and manned by a permanent staff of specialists highly trained in laboratory methods. This has been recognized by foreign governments, some of which have already established hydraulic research laboratories. It is also significant that the majority of the foreign laboratories have been built at scientific and governmental centers, where they are most conveniently situated for the various government departments concerned with them and where it is possible to be in close touch with scientific workers in allied fields.

7. The proposed laboratory would include hydraulic flumes of different sizes suitable for studying flow in open channels, facilities for studying flow in pipes and in plumbing fixtures, pump and turbine test stands, equipment for studying cavitation—that is, the erosion of turbine and pump runners and propellers—measuring basins, weighing tanks, and stands for testing Venturi meters and water meters. It would require a staff of about 20 persons, including high-grade engineers and physicists, junior engineers, laboratory assistants, laborers, draftsmen, and a clerk.

Respectfully,

GEORGE K. BURGESS, Director.

Mr. DEMPSEY. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein letters received by me in reference to this subject, and also quotations from the hearings.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, the Rivers and Harbors Committee held extended hearings in the previous Congress upon this bill. There seemed to be no opposition anywhere to the measure with the exception of that which came from the Board of Army Engineers, who thought possibly they saw some danger in an overlapping of their work. That has been cleared up, and there appeared before the committee this year in the hearings the Chief of Engineers, General Brown, who has heartily indorsed the bill, and whose testimony I shall include in my extension of remarks. The bill was asked for by the American Engineering Council, which represents 24 national, State, and local engineering organizations, which have a constituent membership of 58,000 professional engineers, men interested in endeavoring to secure a national hydraulic laboratory. President Hoover, at the time he was Secretary of the Department of Commerce, was enthusiastically in favor of the bill, and called attention to the fact that through such a laboratory, if established, would come problems from the Mississippi River Commission, the Federal Power Commission, the Coast and Geodetic Survey, the Board of Engineers for Rivers and Harbors, the Geological Survey, the Reclamation Service, and the Department of Agriculture, and representatives of all those departments appeared before the committee urging the passage of the bill.

We must realize that Washington is establishing research laboratories and academies and universities of all kinds, recognizing that the Nation's Capital is the place for them. We have the Bureau of Standards. It is the natural place for a hydraulic laboratory. It is vouched for not only by the engineers of the country but by the industries of the country as well as the different departments of the Government. I hope the bill will pass. [Applause.]

Mr. Chairman, I append to my remarks the correspondence I referred to and also extracts from the hearings, as follows:

AMERICAN ENGINEERING COUNCIL,
Washington, D. C., January 20, 1930.

HON. GRANT M. HUDSON,
Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. HUDSON: The Rivers and Harbors Committee, of which you are a member, has before it for consideration the O'Connor bill, H. R. 8299, authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor.

Senator RANDOLPH'S bill, S. 1710, Seventieth Congress, identical to H. R. 8299, passed the Senate at the last session of Congress. Last spring the Rivers and Harbors Committee held extensive hearings on S. 1710, at which time it was shown that the measure had the active support of the water resources branch of the United States Geological Survey, the Bureau of Public Roads, the Reclamation Service, and the Bureau of Standards. There went into the record a strong statement in favor of the passage of the measure by Mr. Hoover, then Secretary of Commerce. It was also shown that it had the informal approval of the Director of the Budget, and that it was not in conflict with the financial policy of President Coolidge.

In addition to governmental support, it had the very active indorsement of the engineering profession and many others interested in such matters.

American Engineering Council, which represents 24 National, State, and local engineering organizations which have a constituent membership of 58,000 professional engineers, has been actively interested in the endeavor to secure a national hydraulic laboratory. At its recent annual meeting it reaffirmed its indorsement of the movement and again instructed its officials to make an earnest endeavor to secure the passage of H. R. 8299.

The Rivers and Harbors Committee on two occasions has held extensive hearings concerning this proposed legislation. On no other legislative matter has the committee heard as many eminent members of the engineering profession as advocates as it has for the establishment of a national hydraulic laboratory. The advocates feel they have thoroughly shown the need for and the utility of such a laboratory. They are therefore willing to rest their case on the record compiled during the hearings. We do not desire further hearings, but should there be any we would, of course, expect the courtesy of a notice thereof in sufficient time to make a suitable appearance.

We earnestly hope the committee will promptly and favorably act upon H. R. 8299, in order that the House of Representatives may have an opportunity of voting on this bill during this session of Congress.

Sincerely yours,

L. W. WALLACE, *Executive Secretary.*

UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., January 8, 1929.

HON. GRANT M. HUDSON,
House Office Building, Washington, D. C.

DEAR SIR: I am very much interested in Senate bill 1710, which provides for a national hydraulic laboratory and which I understand comes under your Rivers and Harbors Committee.

There exists in this country at the present time an unusual interest among engineers and engineering societies in hydraulic and hydrological problems. Much of this interest has resulted from the important position in national affairs attained by several large projects in hydraulic engineering—notably Mississippi flood-protective works, the St. Lawrence waterway, and the Boulder Dam. Engineers conversant with the problems involved in these great undertakings realize that an adequate understanding of them can be obtained only through exhaustive research, much of which can best be conducted in a well-equipped hydraulic laboratory.

These projects have only served to intensify an interest that has existed generally among hydraulic engineers for many years. It has long been realized that many important fields of research have been scarcely touched. Hydraulics is largely an empirical science and our working knowledge of the subject is based entirely upon experiments. There can be no advance except as new experimental data become available. Unfortunately the facilities for hydraulic research in this country are far from adequate. America lags far behind Europe in this regard.

In the colleges of this country there are hydraulic laboratories equipped to conduct research in rather narrow fields, but most of the college laboratories are designed primarily for teaching purposes. A few industrial concerns have laboratories to investigate problems in the fields in which they are particularly interested. It is not, however, any exaggeration to say that there is not a well-equipped hydraulic research laboratory in the United States.

In contrast to conditions in this country, there are many European countries with splendid laboratory facilities and adequate operating funds. These laboratories are performing a useful public service. By experimenting on different designs of proposed structures they are able to obtain efficiency in operation and to greatly reduce construction

costs. They are in addition securing data of general scientific value. The hydraulic laboratories of Europe are performing a service far beyond anything ever attempted in this country. Many of these laboratories receive financial assistance from their governments.

Laboratory studies will assist materially in the development of our water resources. Large sums of money are being expended on surveys and improvements of our streams, and larger sums are to be expended in the future. I believe that the cost of a hydraulic laboratory could be saved many times over by using its facilities to help solve some of the problems that will be encountered.

It is my opinion that the operation of a well-equipped hydraulic laboratory is a proper function of the Federal Government, and that such a laboratory should be constructed and put under the jurisdiction of the Bureau of Standards. I therefore trust that you will use your influence to have Senate bill 1710 reported favorably to the House of Representatives.

Yours very truly,

H. W. KING.

JANUARY 4, 1929.

HON. GRANT M. HUDSON,
House Office Building, Washington, D. C.

DEAR SIR: If I am properly informed, your committee has refused to report out bill S. 1710.

This bill calls for a national hydraulic laboratory to be under the jurisdiction of the Bureau of Standards.

It is most unfortunate that such a laboratory was not established many years ago, as it would have prevented some very serious mistakes that have been made within recent years in the handling of the great problem of flood control.

The engineers of the Pittsburgh Flood Commission within the last six months have discussed among themselves the question of carrying on laboratory investigations locally that would be solved by such a laboratory as is contemplated in the bill above mentioned. But such an investigation should not be made by private parties—it should be by a national organization, such as the Bureau of Standards at Washington. Pittsburgh alone suffers a loss per year through floods averaging \$2,000,000 annually.

The engineers of the Pittsburgh Flood Commission have actively studied the problems of flood control since 1908, and can and do keenly appreciate the great necessity of a national hydraulic laboratory. Our work that has called for an enormous amount of time in the study of flood control has been given gratis.

It was first intended as flood protection for the city of Pittsburgh, but for the last 20 years it has been flood prevention for the public, and I am thinking only of the welfare of the public when I ask you to act favorably on the passage of this bill.

Sincerely yours,

E. K. MORSE,
Member American Society Civil Engineers.

MICHIGAN ENGINEERING SOCIETY,
Detroit, Mich., January 9, 1929.

Re Senate bill No. 1710.

HON. GRANT HUDSON,
Congressman, Washington, D. C.

MY DEAR MR. HUDSON: A meeting of the directors of the Michigan Engineering Society was held in Detroit January 5, and the above bill, which provides for a hydraulic laboratory in the Bureau of Standards, was discussed at some length.

I was authorized to communicate with you and advise that the Michigan engineers strongly indorse bill 1710, providing for a hydraulic laboratory in the Bureau of Standards; and was authorized further to confer with you by letter or otherwise, inasmuch as you are the Michigan member of the Rivers and Harbors Committee of the House of Representatives, in which committee the bill now rests.

My understanding is that the bill has been passed by the Senate.

I trust that you may see fit to support the bill to the end that its passage by the House during the present session of Congress will be brought about.

It seems that this bill which is now in the Rivers and Harbors Committee of the House of Representatives has not yet been reported out and there is a possibility that it would not be. No doubt your efforts, if you can see your way clear to support it, would be worth a great deal in having the bill reported out.

With kindest personal regards, I am very truly yours,

G. C. DILLMAN, *President.*

GRAND RAPIDS ENGINEERS' CLUB,
Grand Rapids, Mich., January 10, 1929.

Re hydraulic laboratory.

HON. GRANT M. HUDSON,
Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: At the regular meeting held to-day by the Grand Rapids Engineers' Club, an organization of 187 local engineers, it was unani-

mously voted that our secretary write to you, our Representative in Congress, urging that if you can find it expedient to do so you use your influence to have reported out of committee Senate bill 1710, which provides for a national hydraulic research laboratory under the Bureau of Standards.

We understand that the bill already passed by the Senate is not in conflict with the President's financial policy, and that President-elect Hoover has placed on record (pp. 36-37 of the hearings) excellent reasons why this laboratory should be in the Bureau of Standards. Under section 7, H. R. 14066, the Army Engineers are conducting researches on models in connection with studies for Bonnet Carré spillway near New Orleans, and many Federal agencies, such as the Geological Survey, Federal Power Commission, and Reclamation Service, are confronted with hydraulic problems, in addition to the river-control and harbor projects which so obviously need the assistance of scientific experimental hydraulic research.

With American research facilities leading the world in so many branches, it is our duty to provide, as has long been recognized in Europe, means for testing suggested hydraulic devices with maximum economy before embarking on new full-scale experiments; and this can best be accomplished through a national laboratory.

Very sincerely yours,

GRAND RAPIDS ENGINEERS' CLUB,
By BERNARD MOLL, *Secretary*.

THE ASSOCIATED TECHNICAL SOCIETIES OF DETROIT,
Detroit, Mich., January 16, 1929.

HON. GRANT M. HUDSON,

House of Representatives, Washington, D. C.

DEAR SIR: I understand that you have been advised of the situation concerning Senate bill 1710, which provides for a national hydraulic research laboratory under the Bureau of Standards.

The Associated Technical Societies, whose membership is made up of 15 engineering and allied technical organizations of Detroit with a combined membership of approximately 3,000 professional engineers, considered at a recent meeting the provisions of Senate bill 1710 as compared to section 7, H. R. 14066, authorizing the establishing of a hydraulic laboratory under the direction of the War Department.

I am directed to bring to your attention that the consensus of opinion of the council of the Associated Technical Societies is that Senate bill 1710 should be reported out of committee at an early date to permit its passage by the House of Representatives during the present session of Congress.

We hope you will use your efforts as a member of the Rivers and Harbors Committee to have the bill reported out at an early date.

Yours very truly,

E. L. BRANDT, *Secretary*.

BUFFALO, N. Y., January 18, 1929.

HON. GRANT M. HUDSON,

United States Representative from Michigan,

Member of the Rivers and Harbors Committee,

House of Representatives, Washington, D. C.

DEAR SIR: I am sending you herewith a resolution passed by the Buffalo section of the American Society of Civil Engineers, January 15, 1929, indorsing the establishment of a national hydraulic laboratory at the Bureau of Standards in Washington.

Very truly yours,

EDWARD P. LUPFER,
President Buffalo Section,
American Society of Civil Engineers.

Resolution passed by the Buffalo section of the American Society of Civil Engineers, January 15, 1929

Whereas there is now a Senate bill, S. 1710, in the Rivers and Harbors Committee of the House of Representatives for the establishment of a national hydraulic laboratory at the Bureau of Standards; and

Whereas this committee has not as yet reported said bill out of committee, thus holding up a most constructive piece of legislation; and

Whereas a laboratory such as that proposed would render a nationwide service on all problems of hydraulic design and construction, thereby helping to solve many problems which are met with on every problem involving water; and

Whereas there is no justified reason to prevent the civil and mechanical engineers of this country of having a laboratory of this kind at the Bureau of Standards in a thoroughly scientific and impartial atmosphere, to which they can take such problems as research associates, for the good of themselves and all to whom similar problems afterward come: Now, therefore, be it

Resolved, That the Buffalo Section of the American Society of Civil Engineers most highly indorses this bill and requests that it be voted out of committee and that every effort be made to further its passage in the House of Representatives and the United States Senate; and be it further

Resolved, That a copy of this resolution be sent to Congressman S. WALLACE DEMPSEY, chairman of the Rivers and Harbors Committee, and to each member of that committee.

BUFFALO SECTION, AMERICAN SOCIETY OF CIVIL ENGINEERS,
By _____, *President*.

CITY OF DETROIT,
DEPARTMENT OF WATER SUPPLY,
February 8, 1929.

HON. GRANT M. HUDSON,

Rivers and Harbors Committee,

House of Representatives, Washington, D. C.

DEAR SIR: Your attention has doubtless been called to Senate bill 1710, which provides for the establishment and operation in the Bureau of Standards of a national hydraulic laboratory.

Engineers engaged in hydraulic work feel that this is a matter of very great importance and one which can not be satisfactorily handled in any other way than as a Government enterprise. The phenomenal development of hydraulic research work in Germany and elsewhere in Europe has recently been brought forcibly to the attention of American engineers and the tremendous importance of the results obtained has been made manifest.

In our own work of the Detroit department of water supply we have undertaken the experimental investigation of a number of hydraulic problems. An organization as large as ours can undertake this in a fairly satisfactory way, although even the work that we do could be done more economically and probably better by a specially trained personnel with permanent equipment.

With smaller organizations such research is now out of the question. They must blunder along, using such inadequate information as is available, because the loss due to improper design on a small project is not equal to the cost of research.

From the point of view of the country at large, however, this is economic waste, and the continued elimination of such waste is the basis of American prosperity.

As you of course know, opponents of the plan proposed in the bill above mentioned have urged that somewhat similar work be carried out under the direction of the Corps of Engineers of the United States Army. American civilian engineers—and I believe most other Americans who have investigated the matter—think that the present organization and the training of the personnel of the Corps of Engineers is well suited for its prime purpose, that is the production of able military engineers.

They believe, however, that the whole organization and atmosphere of the corps is ill suited to produce the best results in the carrying out of great civil engineering works, and especially that its spirit is about as far from the true spirit of a research laboratory as could possibly be imagined. From a national hydraulic laboratory under sympathetic direction great things are expected, and it is my own opinion that the possibility of valuable results will be much greater if the work is intrusted to the Bureau of Standards rather than to the Corps of Engineers.

I trust that you will give careful consideration to Senate bill 1710 and take whatever action seems wise, with the understanding that American hydraulic engineers feel the establishment of a national laboratory to be of decided and far-reaching importance.

Yours respectfully,

ARTHUR B. MORRILL,
Assistant Engineer—Filtration.

CITY OF DETROIT,
DEPARTMENT OF WATER SUPPLY,
February 20, 1929.

HON. GRANT M. HUDSON,

Sixth District Michigan, House of Representatives,

Washington, D. C.

DEAR SIR: Somewhere among the maze of bills now before or under consideration by Congress is Senate bill 1710, which provides for the establishment and operation in the Bureau of Standards of a national hydraulic laboratory.

I am calling this to your attention because I believe it raises a subject of great importance to all of those engaged or interested in engineering work along hydraulic lines. This includes, of course, such subjects as water supply, hydroelectric development, and improvement and control of rivers and harbors. In the realm of water-supply development—and this is the subject in which I am primarily interested—it becomes necessary to design many structures that are of prime importance to the community that they serve that are much larger or extensive than any that have been built heretofore and for which the desired data that are needed to accomplish the best results are not at hand. In connection with the new water project for Detroit it has been necessary to conduct a considerable amount of research work, and while some of the information that is obtained will filter through to other engineers in time, there is no doubt but what there are many problems that should be investigated that are left unsolved because the work

entailed is too extensive for the ordinary department to undertake or because the time and force needed to conduct them properly is not available. The same situation obtains, no doubt, in other branches of hydraulic work.

There were members of the United States Engineer Corps that but a short time ago were opposed to the establishment of any hydraulic laboratories, but with such problems before the country as those connected with flood control and establishment of the navigable channel for the Mississippi River, the possibility of the construction of the St. Lawrence waterway, and the building of the structures that would be necessary to complete the Boulder Dam project I now understand that at least a portion of this opposition has been withdrawn.

I have the highest respect for the officers that form this Engineer Corps, but in the interest of the Nation at large I believe that the Bureau of Standards should undertake this work.

I commend to you the tariff for consideration and support of Senate bill No. 1710, mentioned above.

Yours respectfully,

GEO. H. FENKELL, *General Manager.*

DEPARTMENT OF COMMERCE,
Washington, March 18, 1928.

Hon. W. L. JONES,

Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: In reply to your request for a report on bill S. 1710, authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce, I inclose a revision of S. 1710, which I am informed by the Director of the Bureau of the Budget is not in conflict with the President's financial program.

The revised wording provides for a board with the three Secretaries of Commerce, War, and Interior to determine projects for the laboratory, and also increases the estimate from \$300,000 to \$350,000 to provide for permanent equipment.

There is an urgent need for a national hydraulic laboratory equipped to carry out hydraulic experiments on an adequate scale. I am satisfied that such a laboratory at the Bureau of Standards would be of great service to the Nation, and that it would soon repay the investment many times over through the savings effected in the cost of hydraulic structures resulting from the information gained through laboratory tests. Such savings have already been demonstrated by the work of several hydraulic laboratories in Europe, where great emphasis is being placed upon the value of the results obtained from experiments with models.

A national laboratory of this kind would be of direct value and assistance to all Government field services concerned with hydraulic questions, such as the Mississippi River Commission, Federal Power Commission, Coast and Geodetic Survey, Board of Engineers for Rivers and Harbors, Geological Survey, Reclamation Service, and the Department of Agriculture.

I wish to emphasize the fact, however, that the work of the hydraulic laboratory is primarily and essentially of a laboratory nature. The various services named above are, so far as hydraulic problems are concerned, essentially field services, and for this reason I believe that the work of the hydraulic laboratory could be most effectively carried out at the Bureau of Standards, working in close cooperation with the field services.

It should be pointed out that there is a fundamental difference in point of view of the engineer and scientist. The engineer is charged with the execution of material projects and the handling of men; the scientist's duty is to study and discover principles in science and its applications which may be taken over by the engineer.

Under the proposed scheme of a hydraulic laboratory at the Bureau of Standards the field services would bring their problems to the laboratory, which would then, from several possible alternatives, determine from their experiments what is the best solution scientifically and the one which gives the most promise from the economic and financial point of view. The field services would then take the solutions of problems and apply them in the field. The two groups, scientists and engineers, are thus doing those things for which they are best qualified by training and experience. There is no interference, but, on the contrary, the most effective kind of cooperation.

It is desirable that the national hydraulic laboratory should be under civilian control, staffed by professional men with civilian status and permanent tenure.

General Jadwin, in his report on flood control to the Secretary of War, December 1, 1927, states, paragraph 143:

"Measurements and observations on our large rivers supply the best hydraulic data on the flow of such streams, since actual experiments with full-sized structures is preferable to experience with small-sized models. However, on occasions questions relative to the flow of water can be worked out by small-scale experiments. Such experiments may be useful in some of our lock and dam designs, etc."

Experience abroad has shown that on the contrary the quickest, most effective, and least expensive method of answering many river problems is to put the problem first into the laboratory. It may be

expected that in general it will take several years and several million dollars for the river itself to answer a question, whereas in the laboratory an answer may often be obtained in a few weeks at a cost of a few thousand dollars. It is not proposed that this laboratory shall be a toy, but it will be a building 450 feet long, containing facilities based on European experience, adequate to answer in a satisfactory manner many problems relating to water flow.

The advantages of establishing the hydraulic laboratory in the Bureau of Standards may be summarized as follows:

1. The bureau already possesses a large concrete flume, 400 feet long, which can be made an integral part of the hydraulic laboratory. This flume has already been extensively used for testing water-current meters for the various field services mentioned above.
2. A suitable site for the laboratory is available at the Bureau of Standards, involving no additional expenditure for land.
3. Power facilities for driving the pumps and other equipment are adequate.
4. The water supply at the bureau is adequate because the steadiest working conditions are obtained by recirculating the water.
5. The facilities for developing the necessary instruments used in hydraulic measurements are excellent and the shop equipment for such work is adequate.
6. The hydraulic staff of the laboratory if located at the bureau would have the great advantage of close contact with men in other branches of science and engineering. The European experiences have demonstrated the advantage of a laboratory located in a scientific center.
7. The underlying principle of the proposed hydraulic laboratory is research, which is in entire accord with the organization and purposes of the Bureau of Standards.
8. Civilian direction and staffed by professional men with civilian status with permanent tenure.
9. In the Bureau of Standards the laboratory will be centrally located, accessible to the other departments, and will be a service laboratory for them.
10. The bureau has had a long and successful experience in cooperating with other Government establishments and the public.

I am inclosing herewith a memorandum in the form of questions and answers in which the need for a national hydraulic laboratory is more fully set forth.

Yours faithfully,

HERBERT HOOVER.

STATEMENT OF MAJ. GEN. LYTLE BROWN, CHIEF OF ENGINEERS, UNITED STATES ARMY, WASHINGTON, D. C.

General BROWN, Mr. Chairman and members of the committee, I am of the opinion that there is need for a national hydraulic laboratory, as indicated in the bills introduced, I believe, by Senator RANSDELL and Representative O'CONNOR.

It is evident that such a thing is required in this country because of the numerous efforts on the part of private interests to establish those laboratories. They have been established over the country by colleges, and the Corps of Engineers, in its work, has felt the need of such an instrument.

In the flood control act of 1928 an hydraulic laboratory was authorized on the Mississippi River for special investigation of problems that occurred out there or might occur, during the prosecution of that flood-control work. I believe that the Corps of Engineers needs data from such a laboratory, perhaps as much as any other agency of the Government, but there are other agencies that also require much data on the subject of hydraulics. In my experience in the brief time I have spent in visiting works on the Mississippi River, the character of information that we need there is not so much the fundamental laws of hydraulics, but to try out certain situations that exist there, the answer to which nobody can give. They are matters of opinion only. Hydraulic formulas are not absolutely reliable. It is necessary, therefore, in many cases to make a model of the situation and try it out by actual flow of water.

I understand, however, that rather more fundamental things are contemplated in this bill than that. We would like to have the privilege of trying out things of a very special nature that occur in our work, which I believe we would have, and I do not anticipate that there is anything in this bill that would interfere with us in any way in that line.

Down on the Mississippi River, besides the hydraulic questions there are other questions that ought to be investigated in an experimental way, and I think we would use our authority there for the hydraulic laboratory to enter into that field also. It would not be covered by the proposed laboratory, I imagine, at the Bureau of Standards.

The CHAIRMAN. Generally speaking, I suppose the Mississippi River work would be covered there, near the field, or practically on the field, would it not?

General BROWN. Yes, sir; I think it would. I do not see anything to interfere with it. That was the only doubt that I had in mind whatever about the propriety of this law, but in thinking it over I do not

see that it is going to interfere with it in any way, and it will probably be of great assistance to us as well as other people.

It occurred to me in thinking it over that we could take care of it, if it was desired, and perhaps it would be much better to put it into the hands of some people that are not so much responsible for work as we are. It might be possible that we would favor our own work, and do that first, and give it greater prominence, and therefore it would be better to have it in the hands of somebody who would treat all alike.

General BROWN. Well, I do not think there is going to be any question of opinion about it if you have the laboratory. If we require an investigation and we are not prepared to make it, we would rather have somebody else do it, probably. It is very easy to imagine, preferably have somebody else do it. In such case, to go to such an institution as the Bureau of Standards, and I have no doubt whatever about the correctness of the work they will do. It would be a matter of fact instead of a matter of opinion.

Mr. HUDSON. I would like to ask the General if it is not a fact that under the bill, if it is enacted into legislation, your Corps of Engineers would have the opportunity and privilege of carrying on experiments by your own engineers in this laboratory?

General BROWN. We would certainly have the right to be present there and observe everything that took place. We expect to do that.

Mr. HUDSON. I thought my colleague's question was rather inferring that you would turn all of these experiments over to others to do.

Mr. EDWARDS. May I ask what is the advantage, Mr. Chairman, in having these experiments made, if there is an advantage, by the Bureau of Standards instead of having them done by the engineers or under the engineer's office?

General BROWN. I think I can answer that question. I intended to answer it before. If this place is a place where all the people of the country can freely go, not only the departments of the Government, but anybody else, to have experiments performed to satisfy themselves, I think an institution over there, that was not responsible for the work, would probably carry it on more equitably than the engineers, for the reason that we have our own interests and would very likely give precedence to our own work. That is only human nature.

General BROWN. I can tell you that right now without reading their testimony.

The CHAIRMAN. All right, General.

General BROWN. I have not given the details of this thing any consideration. I am only looking at it from the general viewpoint. It was mentioned to me before the bill was introduced.

The CHAIRMAN. Now, General, I think we are ready.

General BROWN. I appreciate that, all right, of course. I appreciate that, but I am telling you gentlemen I do not feel that this is any threat to the initiative or responsibility or anything else of the Corps of Engineers. I feel that it is brought about by a demand for hydraulic tests and investigation of fundamental hydraulic policies on the part of some agency of the Government that is not responsible for these results, and to which everybody can go freely and feel that there is no idea of being partial to anybody at that point. I believe that is the best place to go to get it.

Mr. DEMPSEY. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman and members of the committee, I rise to support this bill and ask the privilege of extending my remarks.

I have been before the board a number of times in reference to this hydraulic laboratory. At first I did not favor it, but as I listened to the extended criticism from the Army engineers, with which those members of the Committee on Rivers and Harbors and others are so familiar, I was convinced that the bill was meritorious.

This is not only a prime proposition but it will give to the small man an opportunity he does not now have. If a man is an inventor or of an ingenious character, he surely ought to have some opportunity to go to a place to carry on his experiments, and simply by our spending \$350,000 in adding to an institution where we already have laboratory conveniences, he would have that opportunity, and I think it should certainly be done.

Hydraulic laboratories are now recognized as indispensable aids in the design of great hydraulic structures. The mechanical engineer builds models of columns and trusses and loads them to destruction in his great testing machines in order to supplement and verify his computations. The aeronautical engineer constructs a carefully designed model of his proposed airplane and studies its characteristics in a wind tunnel before he proceeds with the construction of the full-scale airplane. The naval engineer lays down a model of the hull of his pro-

posed ship and tests its performance in a towing tank, modifying the lines so as to provide minimum resistance in the water and thereby often saves thousands of dollars annually in fuel. So, too, the hydraulic engineer constructs a small-scale model of his proposed hydraulic structure. He studies the flow of water through his model, corrects defects, compares alternative plans, and with this concrete evidence to guide him proceeds with the design of the full-scale dam, or spillway, or lock, or power house, as the case may be. Thus the hydraulic laboratory has come to be recognized as a necessity to those who are engaged in the design of reclamation works, water-supply systems, control works for rivers and harbors, and similar projects. Carefully conducted tests in such a laboratory provide data which enable the designer to keep the cost of his structure to a minimum and give assurance that the structure will function effectively.

The proposed bill aims to provide one central hydraulic laboratory designed to meet the requirements of the various Government field services having to do with hydraulic projects. The Engineer Corps, the Reclamation Service, the Geological Survey, the Coast Survey, and the Bureau of Public Roads all have need for such a laboratory and have repeatedly emphasized its usefulness in the numerous hearings which have been held on this bill. The laboratory will be designed with their special needs in mind and will be of ample size to handle the various hydraulic problems which can be studied indoors. While these Federal agencies will naturally and properly have first call upon the facilities of the laboratory, it is not proposed to restrict its activities to Federal projects. It is our desire to make it truly national in scope and to open its doors to any hydraulic engineer who may desire to make use of its facilities.

The existing hydraulic laboratories in the United States fall into two classes—those in the universities and engineering colleges which are primarily educational in character and those which have been established by manufacturers of hydraulic machinery for use in improving and testing their product. The first class is best illustrated by the laboratories at the University of Iowa, the Worcester Polytechnic Institute, and Cornell University. These laboratories and some of the other university laboratories are excellent as far as they go, and they have done admirable work. However, the facilities of the leading laboratories are already taxed with work for private interests, and they are by no means adequate for carrying on the investigations which are needed by the Federal field services.

Some of the manufacturers of hydraulic pumps and turbines also have their own hydraulic laboratories. These laboratories are equipped for one thing only—to test the manufacturer's product and to afford facilities for research work to improve the product. These laboratories serve only the individual manufacturers who have built them and no one else.

The proposed laboratory would have three principal functions. First of all it would carry out fundamental research relating to hydraulic phenomena, flow in pipes, drains, plumbing stacks and fixtures, canals and flumes, flow over weirs, and dam sections, through gates, meters, siphons, tunnels, the transportation of sediment, silting of canals and irrigation ditches, the dissipation of energy below spillways, and the resulting scour. In the second place it would apply the knowledge thus gained to determine the most favorable form of hydraulic structure to meet given conditions. It would make model tests when specific problems were submitted to it for solution. Its third function would be to conduct routine tests on all kinds of hydraulic instruments and meters and on hydraulic pumps and turbines of small size, thus providing laboratory facilities for the smaller manufacturers.

There is nothing radical in the establishment of a national hydraulic laboratory. It is simply the application of the common-sense principle of first trying things out on a small scale, at small expense, in order to correct such faults as may be disclosed before proceeding with the main project.

Work of this kind can be advantageously done in one central laboratory, manned by a staff trained and skilled in laboratory research, to which the field engineers may bring their projects for study. The laboratory man supplements the field engineer, and together they arrive at a broader understanding of the problem in hand. It is simply good team play.

The bill establishing a national hydraulic laboratory in the Bureau of Standards was heartily advocated by Mr. Hoover when he was Secretary of Commerce. It is approved by the Bureau of the Budget. It is indorsed by the head of every Federal bureau concerned with hydraulic projects. It has received the unanimous support of hydraulic engineers from the Atlantic to the Pacific. Its purpose is to provide modern facili-

ties and modern laboratory methods as a further aid to our hydraulic engineers in the development of the great hydraulic projects now before the Nation. [Applause.]

Mr. DEMPSEY. Mr. Chairman, the first question we have to consider here—a question which has been much mooted—is how this bill came before the House. That was covered by the gentleman from Michigan [Mr. HUDSON]. But let me say this, that the gentleman from Alabama [Mr. McDUFFIE] seems to think that it is a strong argument against this bill—the fact that it comes with a unanimous indorsement of every department of the Government with which it would come in contact.

Mr. McDUFFIE. I did not say that.

Mr. DEMPSEY. I was inferring that from the effect of what the gentleman said.

Mr. McDUFFIE. That is not the reason for my opposition.

Mr. DEMPSEY. The fact is that the bill was initiated by Mr. Hoover, who was then head of the Department of Commerce. He was not acting on his own suggestion, but, as the gentleman from Michigan [Mr. HUDSON] says, with the indorsement of the civil engineering societies and the great body of engineers and every single distinguished civil engineer who resides in the district of a Member of Congress. I challenge the gentleman from Alabama to find a district, including his own, where there is a distinguished engineer who is not indorsing and actively favoring this measure.

Now, let us come next to the usefulness of this bill. The reason that I refer to the Mississippi Valley, if the gentleman from New Orleans please, was because in the act of 1928 this Congress recognized the necessity of a laboratory and provided for it. In other words, we indorsed, when we had before us the questions involved in the Mississippi River, the necessity of laboratory study. After complete investigation and long hearings we were convinced of the fact that we must make laboratory studies.

Now, let us come to the next question. Are we equipped for the work to be done? The testimony we have had before us shows that while we have a few private laboratories, such as the Chalmers, in Milwaukee, yet they do not do general work. Their work is confined to the solving of their own problems, confined to their own business, and devoted to their own success.

Mr. HUDSON. And the solution of the problems which they solve is their own property, and can not be given to the Government?

Mr. DEMPSEY. Yes. We find on inquiry that they are not equipped for river and harbor and waterway work. They have not the necessary facilities or equipment, and they are not able to do it. So that there is an entire absence of the facilities that we need.

I am very glad that the gentleman from New York [Mr. LA GUARDIA] was good enough to question me when I came in, because I had not had time then to study the question and was not able to answer his questions as I should have done.

Now, what are the facts supposed to be? Suppose here is one of the great harbors of the United States; it has an ebb and a flow that we can not control. How are we to control it? We set up a laboratory and experiment with our machinery and try out probably half a dozen models before we finally select the model which will answer the purpose and which will control the tides and benefit commerce and benefit the country generally. All that can be done in the proposed hydraulic laboratory at a minimum of expense, because if you tried those experiments it would cost \$100 where in the laboratory it would cost only \$1.

The gentleman from Alabama [Mr. McDUFFIE] says we should have laboratories and make studies, but we should set up a separate laboratory everywhere where we have a problem to solve. If you are going to build a lock or construct a dike or a pier or a dam out in the southwestern part of the country, if any of those public works is to be done, we must at the place construct at great expense a laboratory, which will answer only the purpose of that one piece of work, and when that work is ended, then the usefulness of that laboratory is over, after it has entailed an expense of hundreds or thousands of dollars.

We have used it for only one purpose, but we have expended the money for all time, whereas under this bill for all of this work, and there will be thousands of experiments all over the country, for every bit of this work we erect one laboratory, and when that laboratory is erected and the equipment is installed we have one expense for all time.

Mr. BANKHEAD. Will the gentleman yield?

Mr. DEMPSEY. Very briefly, because I want to explain this if I can.

Mr. BANKHEAD. Well, does the gentleman yield?

Mr. DEMPSEY. I will yield in just a moment. The report shows that municipalities, States, and cities have sewage prob-

lems and river-control problems, all of which can be solved by the use of this laboratory.

The report shows that the Chief of Engineers can use it in the construction of locks and spillways and diversion works and for bridges and piers and hydraulic power installation. The report shows that the Federal Power Commission may use it for a variety of useful purposes. It shows that the Geological Survey can use it for many useful purposes. The Reclamation Service appeared and testified at great length. They showed that their work would be simplified; they could do better work and do it more cheaply and to greater advantage if they had such a laboratory.

The Department of Agriculture appeared before the committee and testified that in many of the farm problems of drainage and drain tile this laboratory could be used, to the enormous benefit of agriculture in the United States as a whole.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. McDUFFIE. Did he not also say that they had 50 or 60 men that were doing nothing but research work, studying these very problems at this time?

Mr. DEMPSEY. And this would save the employment of those men. That we would have one body of men solving all of these questions instead of compelling seven or eight departments of Government to each have a separate set, no one of them scientific, no one of them equipped properly, no one of them with a building, no one of them with the devices, all of them working haphazard, all of them working at a disadvantage, whereas we would have one instead of seven or eight, with scientific apparatus, properly manned and equipped, with scientific experts at its head, to supersede the seven or eight agencies, doing the work well that it done very poorly by seven or eight at seven or eight or ten times the expense.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. I will yield.

Mr. McDUFFIE. I would like to ask the gentleman to point out in the hearings where anybody suggested that 50 or 60 of the employees could be done away with if this laboratory were established. I read the hearings last night, and I do not recall reading any such thing.

Mr. DEMPSEY. The gentleman would not have to read it to reach that conclusion.

Mr. McDUFFIE. The gentleman is inferring something that is not in the hearings.

Mr. DEMPSEY. The gentleman would not have to read it to reach that conclusion. If there is a laboratory with most up-to-date devices, with the ablest men and the greatest and most scientific training to study the question, then it is not necessary to repeat it in each of the seven different departments, but each department will go to this one bureau with its problems and seek the solution where it can best be solved in the interest of progress.

In conclusion, gentlemen, a bill rarely comes before this House with general, universal indorsement such as this bill. Rarely has a bill been presented that will answer so many useful purposes. No one has any personal interest in the bill. We simply want to aid agriculture and transportation and waterways, and we believe that we are doing much more than can possibly be done at anything like the small expense which is entailed here, in passing, as I hope and believe you will pass, this progressive, forward-looking bill. [Applause.]

The CHAIRMAN. All time for debate has expired. The Clerk will read.

Mr. HUDSON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Michigan [Mr. HUDSON] makes a point of no quorum. The Chair will count. [After counting.] One hundred and seventeen Members are present, a quorum.

The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be established in the Bureau of Standards of the Department of Commerce a national hydraulic laboratory for the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the study of hydraulic structures and water flow, the development and testing of hydraulic instruments and accessories.

With the following committee amendment:

On page 1, strike out the period at the end of line 10, insert a colon in lieu thereof, and add the following proviso:

“Provided, That no test, study, or other work on a problem or problems connected with a project the prosecution of which is under the jurisdiction of any other bureau or department of the Government shall be undertaken in the laboratory herein authorized until a written request

to do such work is submitted to the Director of the Bureau of Standards by the head of the department or bureau charged with the execution of such project."

Mr. LA GUARDIA. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. The gentleman from New York [Mr. LA GUARDIA] is recognized for five minutes in opposition to the amendment.

Mr. LA GUARDIA. Mr. Chairman, my opposition to the committee amendment is earnest.

There is a sharp division of opinion in the House as to the necessity of the bill itself, but I submit to the chairman of the committee and to every member of the committee who is in favor of this bill that your good faith and sincerity are questioned if this amendment is supported.

The amendment does the very thing to which the gentleman from Alabama [Mr. McDUFFIE], who is against this bill, objects. In other words, we are putting up a laboratory and shutting the doors to its use by the very department that needs scientific research and professional advice. It does more than that, gentlemen. If any State or any county or any city desires to have a study or test made, it can not make such test or study. I shall offer an amendment making it clear that any State or political subdivision thereof may avail themselves of the services of this laboratory.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. LA GUARDIA. I yield.

Mr. GARBER of Oklahoma. It has been urged as the strongest argument in support of this bill that it would render service to the several States and municipalities.

Mr. LA GUARDIA. That is true.

Mr. GARBER of Oklahoma. Where is there any mandate in the bill that would distribute the benefits of the service of the laboratory to the several States and municipalities?

Mr. LA GUARDIA. That may be in the general provisions of the law of the Bureau of Standards. But I intend to clarify and make it certain by an amendment. Let me point out, however, to the gentleman from Oklahoma [Mr. GARBER] that in a State where there is flood-relief work in course of construction, under the jurisdiction of the engineering department, although a city may be in danger, although millions of dollars of property and many lives may be endangered by faulty engineering work, if that work is under construction by the engineering department of the Army, a test or study could not be made if this committee amendment is carried in the bill.

Mr. GARBER of Oklahoma. That is absolutely true, but suppose a municipality or one of the States has a flood-control project that is not under the control of the Army or Navy?

Mr. LA GUARDIA. Then I think they could get a chance to study it. This hydraulic laboratory is comparable with a wind tunnel for aviation work. The Army engineers in the Air Service are constantly consulting the Bureau of Standards for tests in the aviation department, and yet there is written into this bill a provision which would make the entire laboratory useless, by providing that if the work is in construction by another branch of the Government no test or study may be made unless a written request is directed to the Director of the Bureau of Standards.

Why, gentlemen, you can not be sincere in sponsoring your bill with such an amendment in it. And let me say to the gentleman that the Senate passed a similar bill yesterday and this provision is not in it. Now, if you are earnest, if you want this bill, and if you are not just killing time, call up the Senate bill and pass it, because the Senate bill contains the same provisions as your House bill with the exception that it does not contain this destructive proviso.

Mr. MANSFIELD. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. MANSFIELD. I will ask the gentleman if that is not the usual course of procedure now in the Bureau of Standards where private industry, for instance, wants to have a test made?

Mr. LA GUARDIA. Why, certainly, and yet you gentlemen want to foreclose this very useful research department from making a test or study. Let the Army engineers refuse to take the advice of this laboratory if they want to. The responsibility would be theirs.

Gentlemen should remember that we are going to spend \$300,000,000, \$400,000,000 or \$500,000,000 in flood-relief work in the next 15 or 20 years, and it is absolutely necessary that the best scientific advice be made available for such work.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I think the gentleman from New York misunderstands entirely the proviso to which he objects. All it provides is that where a project is under construction by any department of the Government this hydraulic

laboratory shall not undertake a study of the problem except at the request of that department. The reason for that is very obvious. You can not have dual authority. You can not have two heads to any piece of work. One department has to be supreme in its own realm. It can not have interference from outside. If it has a problem, it, of course, will ask for aid whenever it is necessary, and all this provision does is to provide that such studies shall not be undertaken where a project is under development except at the request of the department which is doing the work.

If a contractor is engaged in building a 30-story skyscraper he should not be interfered with by an outside scientist unless he has a problem upon which he needs advice. If he is doing that work, if it is in his usual line of work, if it is work he can do and has been accustomed to doing and is doing without scientific advice such advice should not be forced upon him. That is all this means. If, on the other hand, he meets some unexpected obstacle, something that is new, something which is not in his line, something which requires scientific study and research, then, of course, he would naturally ask for the advice of this laboratory, whose duty it is to study and solve such questions. That is all this proviso means.

Mr. COLE. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. COLE. The Bureau of Standards operates under a law that would enable any State at any time to call upon it for information on any subject it is investigating?

Mr. DEMPSEY. Yes; and this becomes a part of the Bureau of Standards and subject to the same rules in that respect as the existing parts of the bureau are subject.

Mr. COLE. In other words, it is clear that any State can call upon this laboratory for any information that is officially desired?

Mr. DEMPSEY. Yes. There is no doubt about that.

Mr. HUDSON. Or any corporation or any institution?

Mr. DEMPSEY. Yes; and any municipality in the United States. The bill is in every way a very helpful bill. If the gentleman's objection was one that should be met I would be glad to meet it, but I can not see why this amendment does not do away with dual authority, a conflict of authority and a conflict of operation, and why it does not simplify and help instead of being harmful.

Mr. McDUFFIE. Mr. Chairman, I have an amendment which I desire to offer.

Mr. DEMPSEY. There is an amendment pending.

Mr. McDUFFIE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McDUFFIE. I wish to strike out section 1 and substitute thereof. Should the amendment be offered now or after the committee passes on section 1?

The CHAIRMAN. It would seem to the Chair that the section should be perfected, and then, after it has been perfected, the gentleman's amendment would be in order.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. WINGO. Mr. Chairman, a good many of the Members have asked me something about the experience of Mr. Creekmore, who has been selected as the head of the cooperative activity of the Farm Board. I ask unanimous consent to have read from the Clerk's desk a short and terse sketch of that gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

The American Cotton Cooperative Association will be in active operation about August 1, and it is estimated that the association will handle between 1,000,000 and 2,000,000 bales of cotton its first year. E. F. Creekmore, who Saturday was elected vice president and general manager of the organization, said Sunday upon his return to Fort Smith.

Creekmore was elected to his new post at a meeting of the board of directors Saturday at Birmingham, Ala. He assumes his new duties at once, although the work will be in advisory capacity until headquarters are selected and the organization perfected.

The association will work hand in hand with the Federal Farm Board in the board's policy of aiding cooperatives in the marketing of farm products. It is owned jointly by 14 cotton cooperative associations in 14 different States which produce cotton, except in the Mississippi Staple Cotton Association, which markets its own long-staple product.

FIVE DUTIES OUTSTANDING

The American Cotton Cooperative Association has five major duties to perform, Creekmore said Sunday. It will classify all cotton which it will market, sell, insure, and finance the product and provide warehousing facilities. As general manager, Creekmore will have direct supervision over these functions.

No headquarters have yet been decided upon. Cities bidding for the general offices are Dallas, Houston, Memphis, New Orleans, Atlanta, and Montgomery, Ala.

Creekmore is head of E. F. Creekmore & Co., in Fort Smith, and he said Sunday that the firm will be liquidated as quickly as possible, although possibly part of the company will be maintained under a different name.

NATIVE OF VAN BUREN

Creekmore has been in the cotton business since 1902, when he started at Van Buren, his native city, with the Lesser-Goldman Cotton Co. In 1912 he moved to Fort Smith, where he became office manager for the Lesser-Goldman Co. agency here for western Arkansas and eastern Oklahoma.

In 1918 he formed E. F. Creekmore & Co., and has been its active head since then. He is 44 years old.

Besides his cotton interests, Creekmore is a director of the Merchants National Bank and the Arkansas Valley Trust Co., in Fort Smith. He was president of the chamber of commerce in 1923 and 1924.

Mr. WINGO. I have been asked about the character and ability of this man by many Members. He not only has the experience that has been detailed here, but he is recognized by his business associates as a man of extraordinary ability and I do not think there is any question at all that he is a man of unquestioned integrity. He has the ability, character, courage, and experience necessary for the position.

Mr. McDUFFIE. Mr. Chairman, I rise in opposition to the pro forma amendment.

In the course of the remarks of the gentleman from Louisiana, my good friend, Mr. O'Connor, he said the record did not show any suggestion that these experiments could not be made as well in a laboratory with small models as they could on the stream itself. Especially with reference to the Mississippi River is this true, according to my contention.

I just want to read, for the benefit of the gentleman, a statement from the hearings of the Mississippi River Commission by Mr. J. A. Ockerson, who concluded with these words:

It is believed to be wholly impracticable to obtain any further useful data regarding Mississippi River problems by the use of laboratory models and the reason for this belief is to be found in the following briefs or conditions to be met with. When I speak of models I mean the whole scheme of laboratory work.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen, to use a good Americanism, the gloves are off; we are going to fight this out to a finish now, and we are going to call a spade a spade.

The gentleman refers to the Mississippi Commission, a body which ought to have the respect of every man in America. I will tell you now about the inside functioning of this commission and their attitude toward the greatest problem that ever came under the jurisdiction and control and learning of any body.

I went to Vicksburg during the 1927 flood to ask the Mississippi River Commission to grant permission to the Governor of Louisiana to blow the levee in order, in the minds of citizens of an emotional disposition, to save New Orleans. It was thought at that time New Orleans was about to be inundated; we to the manner born were not panicky, but the people who had come to the city within the last 15 years or so felt that way about it. If I had been Governor of Louisiana, I would not have asked the Mississippi River Commission for permission in an hour of the gravest peril to my people. I would have blown the banks of the Mississippi River any place necessary to protect the lives of my people, and let the Mississippi River Commission do their worst. And what could they do? But I do not want to divert from my story. They granted the permission and then told Senator RANSDELL and me, "Now, gentlemen, we do not think we could very well commit ourselves in writing as to what we are going to say to you orally, as we have done in this commitment to the governor; but, unanimously, we believe that the river banks ought to be blown above New Orleans," which is common sense—and not after the water had passed the city. But, as I said already, they would not put this in writing.

As a matter of fact, the commitment was that the governor should blow the banks of the river, on the advice of the State board of engineers at any place they selected. To avoid embarrassing the railroads' interests, though it might mean the peril of 400,000 people, the then governor, on the advice of the State board of engineers, ordered the levees blown below the city of New Orleans and did not, in my judgment, grant a modicum of relief, though the people had to pay for the damage done through that blow-out. That was only just and was, in a measure, what the citizens' committee promised me before I consented to go to Vicksburg.

Lo and behold, at the hearings on the flood control bill the entire personnel of the Mississippi River Commission was present and, to my amazement, they advocated a spillway below New Orleans, though it was absolutely at variance and in contradiction of what they had told Senator RANSDELL and me, and which was common sense. If you are going to let the waters out of the river, it ought to be before they menace the thirteenth city in the United States of America.

Now, gentlemen, I do not want to ask men to do that which is not dictated by their conscience and their judgment and their patriotism. I do not want to remind gentlemen on that side—the Democratic side—that we of Louisiana have voted for their propositions, of great moment to the Nation, without hope of reward or of fear of punishment. I have voted with the people of the States that are allied with my State sentimentally and otherwise upon propositions that did not altogether appeal to me intellectually, but I based this upon the ground that sentiment at times is higher and above all reason. I voted for propositions like Muscle Shoals, in which great States over here on the side with which I am a part are tremendously interested. I am asking them in the name of that justice which is written on the face of this bill to enable us to secure all of the light we can secure; to forget that the vanity of the Army engineers is the sole and only test by which men should determine legislation in this House.

Light—more light! I believe Voltaire said it, and if he had never said it, the human race after it had reached its present development would have appealed for light, more light; but with the Army engineers, sometimes it strikes the cynical as darkness, more darkness.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McDUFFIE. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will be pleased to yield.

Mr. McDUFFIE. I want to say to the gentleman with reference to his voting for matters in which other States are interested, if I thought the construction of this laboratory or a dozen laboratories like it would solve the problems of the Mississippi River, I would be delighted to give all of my effort and intellect to help the gentleman pass a bill to construct a dozen laboratories or 100 laboratories.

Mr. O'CONNOR of Louisiana. Then why do you not do so? You pay the highest compliment to the laboratory work of every institution in America and then you stop right there when it is proposed to get similar results from this institution in the Bureau of Standards that would give us relief.

Mr. McDUFFIE. Let me answer the gentleman's question, because after all—and it is in the committee hearings—it was disclosed by the best experts that using small models in making experiments in Washington was not as successful or effective or reliable as experiments made on the river.

Mr. O'CONNOR of Louisiana. And yet the gentleman has been applauding the small models in every university in America.

Mr. DEMPSEY. Will the gentleman yield, and let me remind him that the new Chief of Engineers is heartily in favor of this bill. Let me remind the gentleman that every civil engineer in the United States is for his bill and indorses his views.

Mr. O'CONNOR of Louisiana. Let me repeat because this may not have reached the ears of all that are now present. General Jadwin was against it and demonstrated almost malevolence when he made the statement that the gentleman from Alabama [Mr. McDUFFIE] read on the floor. That it was impossible to discover the secrets of flood control or those which were locked in the bosom of science with a barrel of sand and a bucket of water. But Jadwin did not dismiss with that sneer the fact that all the civil engineers have indorsed it. He did not dismiss the most cogent reasons for the passage of this bill in the letter written by the Secretary of Commerce, Herbert Hoover, which conveyed convincingly to the mind of anyone who wanted to understand, whose ears and eyes are open to receive the light of the truth when it is announced. Now, why did he write that letter? Was it because it would aid him or was it out of a patriotic desire to aid and assist men intrusted with the very highest duty and upon whose shoulders rested the greatest obligation?

But as I said already the opposition of engineers in months gone by was largely the result of resentment directed at professional rivals—the civilian engineers. That bias became an intellectual narrow-mindedness, which prevented from seeing that light that was seen by all men who were open-minded and

wanted all the information that could be secured by research, examination, and investigation. There are none so blind as those who will not see, is a truism applicable to all men, professional and religious included. [Applause.]

Mr. SLOAN. Mr. Chairman, I move to strike out the next to the last word, for the purpose of submitting an inquiry which will be very brief. Mr. Chairman, I make this motion for the purpose of having the sponsors of this bill set out with clarity, and such emphasis as may be warranted, what right, authority, and obligation there would be for this established hydraulic system when it may be called upon by a State, groups of States, or by districts or municipalities to give its advice and render to them assistance which it could by reason of the facilities with which it may be provided in this bill.

I understand that the real effective system of controlling floods is drifting back to the source of those floods and that is to be taken up nationally. It is also to be taken up on districts and sections. So I submit this inquiry to the sponsors of this bill as to what we may expect in our work in the valleys of the Missouri and the Mississippi and their tributaries and in other parts of the United States somewhat similarly conditioned. Floods can not be prevented or controlled by building elevated channels whose bottoms constantly rise faster than the walls. Flood control can only be effected by chaining the maddened tributaries until the main channels can in an orderly way carry the early rushes to the sea.

Mr. DEMPSEY. Mr. Chairman, in answer to the question permit me to say that under this bill this added industry or research bureau, a part of the Bureau of Standards, under the organic law, would be open to such districts, States, or municipalities for such investigation on their request as the gentleman has described in his question.

Permit me also to say that I share entirely in his view as to the fact that the flood-control question is drifting back to where he says it is, and that this new bureau will be invaluable in the solution of that question presented in the way he suggests.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. LA GUARDIA. Would the gentleman accept an amendment, as follows?—

And provided further, That any State or political subdivision thereof may obtain a test, study, or other work, on a problem connected with a project, the prosecution of which is under the jurisdiction of such State or political subdivision thereof.

Mr. DEMPSEY. Mr. Chairman, I am glad to accept the amendment, if it is necessary.

Mr. SLOAN. The gentleman says that it is open to us, but the bill nowhere says that there is an obligation to use that opening. We want the obligation to be on the Bureau of Standards, so that if we demand it we can demand it with authority.

Mr. DEMPSEY. Mr. Chairman, we will accept the proposed amendment of the gentleman from New York [Mr. LA GUARDIA].

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA to the committee amendment: Page 2, line 8, strike out the period, insert a colon and the following:

"And provided further, That any State or political subdivision thereof may obtain a test, study, or other work, on a problem connected with a project, the prosecution of which is under the jurisdiction of such State or political subdivision thereof."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 1, strike out all after the enacting clause and insert:

"The Secretary of War and the Chief of Engineers are hereby authorized to establish, at such locality or localities as may be found suitable, national hydraulic laboratories for the determination of fundamental data useful in hydraulic engineering, and for scientific and technical research into the action, flow, regulation, utilization, and control of rivers, streams, channels, harbors, shores, and tidal waters, and the investigation and study of structures, machinery, instruments, and devices utilized in connection therewith, and for any allied studies appropriate to the activities of the Federal Government and its several branches and agencies in regard to such matters. The Secretary of War and the Chief of Engineers are authorized to cooperate with other departments of the Government by arranging for the investigation in

the aforesaid laboratories of such appropriate matters as other departments may request. Funds appropriated under authority of the flood-control act of May 15, 1928, or under authority of river and harbor appropriation acts heretofore or hereafter passed, may be expended for the installation and operation of the laboratories and for all necessary activities in connection therewith."

Mr. McDUFFIE. Mr. Chairman, I offer that amendment believing, as I do, that it comes more nearly to solving our problem at less expense to the Public Treasury than the establishment of this additional unit in the Bureau of Standards. In the first place, I think a careful reading of these hearings will convince any fair-minded man that, unless we have money to waste—I shall not say waste—unless we have money to spend on things which may be used but that are not necessary, we should not pass this bill; that this little item will become larger and larger as the years go by. It is only a question of a short time when this hydraulic laboratory will become a bureau unto itself. It is the history of all bureaus that they began in just this way. The Bureau of Standards started with a \$325,000 appropriation, and now we have a value of six and a half millions there, and we are spending two and a half million dollars a year to maintain it. In the light of the fact that 73 laboratories are functioning now all over the country, that we have 5 laboratories similar to the one mentioned by one of the engineers who went to France—and which, by the way, is maintained by an association of manufacturers at Grenoble—it seems to me that we have ample facilities in the United States for studying all of these problems, and we in America are standing in the forefront in such research work.

The main problems confronting us are those growing out of river and harbor development of this country, those involved in the development of those streams and those harbors now under the supervision of the War Department.

This amendment is that provision of the bill agreed upon in May, 1928, soon after the writing of the letter of the then Secretary of Commerce, now President Hoover, which was written in April, 1928. In May, agreeable to all parties, we agreed upon the language which has just been read at the Clerk's desk, and made it a part of the bill. It simply means that the engineers shall have authority, which I contend they already have, to establish laboratories on these streams wherever they might find it necessary to perform experiments. It goes further and gives them authority to take charge of other problems submitted by other departments of the Government. In view of the fact that the major problems to be solved are those involved in river and harbor development, in view of the fact that that work is now under the Army engineers, it occurred to the committee then, and it occurs to me now, that the Army engineers under the Secretary of War should have supervision of laboratories built for the study of hydraulics. These hearings disclose the fact that the best results to be obtained in the study of rivers, and certainly our large rivers, can not be secured by the use of small models in a laboratory thousands of miles away. That is the main purpose of establishing this laboratory. According to the gentleman from Louisiana [Mr. O'CONNOR], this laboratory will settle all problems of the Mississippi Valley. If I thought that, certainly I never would object to the establishment of the laboratory, but let me repeat, in the light of all of the testimony offered by the disinterested parties, officers of the Government, with a view of giving light to our committee, in view of the statements of many prominent engineers—and I do not say that they are absolutely without fault—men who are charged with the biggest problems to be settled by such an institution as we are about to set up, I contend they are the ones to have the control of any laboratories that might be established.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DEMPSEY. Mr. Chairman, the gentleman's amendment is simply this: He says that one laboratory is too expensive and that we better set up laboratories on every stream in the United States. He says, second, that the Bureau of Standards has cost \$6,000,000, and that therefore we should veto this bill. He forgets all about his numerous eulogies of the splendid work of the Bureau of Standards. There is not a man in this House who does not know that the Bureau of Standards has been worth hundreds of millions of dollars to the people of this country. The gentleman says that we can not solve anything by models, and in the next breath he says that we are solving those questions by models in seventy-odd laboratories all over the United States. He says that years ago when we had not studied this question somebody approved of what he suggests to-day, but in the light of what his argument is, as it is made, I say to you, first, let us have one and not a thousand; second, the Bureau of Standards needs no defense; and, third, his statement that all of these seventy-odd private laboratories

are functioning are correct and is the best of reasons why we should have one here for the use of every State—of every municipality—in order that they may have their problems solved in the best way, without expense, without trouble, in order that we may invite progress in the United States.

Mr. GARBER of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, embodying a report of the Chief of Engineers.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks by including therein a report of the Chief of Engineers of the Army. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, I rise in support of the bill as amended. I believe it is a good, constructive piece of legislation for the reason that as amended by the gentleman from New York it will extend the service of the hydraulic laboratory to be erected to the several States and municipalities and thus furnish necessary information to supplement the flood-control work as contemplated by the act of May 15, 1928.

Our experience shows that the Army engineers have been unable to meet the problems of flood control in this country. They have had complete jurisdiction and control of such work for over a hundred years. During the last 40 years they have expended in excess of \$288,000,000 in building levees along the Mississippi and rebuilding them higher and higher only to have their walls crumbled and swept away by each succeeding flood, increasing in proportion as the levees were raised, the loss and destruction to life and property.

We have experimented with the one-track mind and flood-control program of the Army engineers until further experimentation along that line would become ridiculous in the extreme if it were not for the resultant tragedy, endangering the lives of thousands in the populous States along the southern extremity of the river.

Such puny, Lilliputian attempts to control the raging floods of the five great tributaries emptying their vast volumes of water into the Mississippi with dynamic, volcanic force, there to be confined in a narrowed channel between mud walls, in the face of our experience of repeated floods and their disaster to life and property, can only be construed as evidencing a degree of illiteracy in water control unparalleled in any civilized country.

An injunction in a Federal court to prohibit the repetition of such trifling with a great problem, in which life and property are involved, would fully justify the exercise of the extraordinary powers of the court and meet with the approbation and approval of the people.

Time and again we have been warned of the tragedies to follow such a course by men who have made the Mississippi their life study and whose engineering ability is recognized as nationwide. In 1916, before the several recent floods, Lyman E. Cooley before a Senate committee said:

You are going to build levees, you have been building them, and this is the proposition you are up against: You wipe out all the natural overflow regulation and constrain the entire volume to the river channel and take it as it comes. The maximum volume is greatly increased, the flood height is raised, the velocity is accelerated. You have greatly increased the dynamic energy of the stream. You have not only magnified the surplus horsepower, but you have also increased the speed of application, thus multiplying the destructive powers; in other words, you have stimulated the energy, filed the teeth, and ground the claws of your tiger.

In the same year George H. Maxwell, executive chairman of the National Reclamation Association, emphasized the stupidity of pursuing the fallacious illusion that the stupendous floods of a mighty river like the Mississippi, formed by flood combinations from five separate river systems, can be confined all the way from Cairo to the Gulf between two mud walls which are the equivalent of earthen dams built on the surface of the ground without any other foundation. He said:

As a result of this . . . life and property in many communities once safe are now jeopardized, and cities, towns, villages, and densely populated rural districts are menaced with a final catastrophic deluge in some great flood of the future that will appall the world.

Many others of equal rank and recognized ability might be cited and volumes might be inserted in opposition to such a course. It is refreshing indeed to know that we have at last broken away from such a disastrous policy and adopted the policy of looking toward flood control at the source.

The act of May 15, 1928, embodies such new, constructive policy, a policy of the control and economic development of our

water resources as a unit, of the control of the tributaries and the storage and conservation of the waters through reservoirs in the watersheds where they fall. This new policy of the development of our tributaries for navigation and control has been pioneered and approved by one of the greatest economic engineers of this country, namely, the President of the United States. [Applause.]

This program contemplates the rebuilding of the levees and revetments for immediate temporary relief and protection and then to supplement the work by the control of the waters of the tributaries. This is the new program, the new policy of the economic development of the water resources of the Nation, and this hydraulic laboratory for the Nation's use and for the use of the several States and political subdivisions will be instrumental in furnishing the necessary information to carry on this great work. [Applause.]

Upon request of the Mid-Continent Flood Control Association, composed of House Members, the Chief of Engineers has furnished me, as its president, a detailed statement of the work being done under the several acts of Congress providing for flood control on the Mississippi and the surveys now being made of the tributaries. The information is of such interest and importance to the Members of Congress and the country as to justify its insertion in the RECORD. I therefore ask unanimous consent to insert it in the RECORD immediately following the remarks I am about to make.

Section 3 of the rivers and harbors act approved March 3, 1925, reads as follows:

Sec. 3. The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as in their opinion may be required of those navigable streams of the United States and their tributaries whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purpose of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation: *Provided*, That no consideration of the Colorado River and its problems shall be included in the consideration or estimate provided herein.

On April 7, 1926, the Secretary of War and chairman of the Federal Power Commission made a report to Congress of the estimates of cost and of the work done under the provision referred to, which estimates are as follows:

Streams draining to Atlantic Ocean between Cape Cod and follows: St. Croix, Machias, Union, Penobscot, Kennebec, Androscoggin, Presumpscot, Saco, Kennebunk, Salmon Falls, and Merrimack	\$147,000
Streams draining to Atlantic Ocean north of Cape Cod as New York Harbor as follows: Taunton, Pawtucket, Pawcatuck, Thames, Connecticut, Housatonic	34,200
Hudson River and tributaries as follows: Mohawk, Hoosic, Batten Kill, Wappinger Creek, Walkill, Kinderhook Creek	106,500
Streams draining to Lake Champlain and Richelieu Rivers as follows: Poultney, Otter Creek, Boquet, Ausable, Saranac, Big Chazy, Winooksi, Hamoille, and Missisquoi	54,000
Raritan River	19,400
Delaware River and tributaries as follows: Shohola Creek, Mongaup River, Neversink, Lehigh, Tohickon Creek, Nes- haminy Creek, Perkiomen Creek	158,000
Rivers draining into Chesapeake Bay as follows: Susquehanna, Pamunkey, Rappahannock, Occoquan Creek, Patuxent, Potomac, and James	531,200
Streams draining to Atlantic Ocean south of Chesapeake Bay as follows: Roanoke, Meherrin, Neuse, Tar, Cape Fear, Yadkin, Pee Dee, Santee, Savannah, Altamaha, Satilla, and St. Marys	826,600
Streams except the Mississippi River draining to Gulf of Mexico as follows: Suwannee, Withlacoochee, Apalachicola and tributaries, Mobile River system, including the Coosa, Black Warrior, and Tombigbee Rivers; Guadalupe, Calcasieu, Amite, Tickfaw, Tangipahoa, Chefuncte, Bayou Nezpique, Bayou Teche	909,000
Mississippi River and minor tributaries as follows: Ouachita, St. Francis, Meramec, Illinois, Des Moines, Iowa, Wisconsin, Chippewa, and St. Croix	467,000
Arkansas River and tributaries: White, Grand, Illinois, Petit Jean, Fourchee La Favre, and Poteau	87,100
Ohio River and minor tributaries as follows: Tradewater, Wabash, Green and Barren, Salt, Kentucky, Miami, Licking, Guyandot, Big Sandy, Muskingum, Little Kanawha, Beaver, Monongahela, Allegheny	393,100
Tennessee River	300,000
Cumberland River	250,000
Kanawha River	225,000
Missouri River and tributaries as follows: Madison, Jefferson, Galatin, Marias, Musselshell, Milk, Yellowstone, Little Missouri, Cannon Ball, Grand, Moreau, Cheyenne, Bad, White, Niobrara, James, Big Sioux, Little Sioux, Platte and Kansas, Osage and Gasconade	425,000
Streams draining into Lake of the Woods and Hudson Bay drainage basin, as follows: Rainy, Big Fork, Little Fork, Vermillion, Kaweshiwi	250,400
Streams draining into Lake Superior as follows: Pigeon, Brule, Devil Track, Cascade, Poplar, Temperance, Manitou, Baptism, Beaver Bay, Gooseberry, St. Louis, Amnicon, Bad, Montreal, Sturgeon, and Carp	82,600

Streams draining into Lake Michigan as follows: Wolf, Oconto, Peshtigo, Menominee, Manistique, Manistee, Muskegon, Grand, Kalamazoo, and St. Joseph	\$512,100
Streams emptying into Pacific Ocean south of Columbia River as follows: Eel, Mad, Klamath, Sacramento, San Joaquin, Kern	420,000
Columbia River and minor tributaries as follows: Cowlitz, Lewis, Willamette, John Day	734,100
Snake River and tributaries	215,000
Streams draining into Pacific Ocean north of Columbia River as follows: Skagit, Snohomish, Stillaguamish, Puyallup, Chehalis	104,100
Rivers in Hawaiian Islands	71,000
Grand total	7,322,400

In said report it was stated:

There are evidently two principal purposes for which investigations of this nature would be useful, either for the preparation of plans for improvement to be undertaken by the Federal Government alone or in connection with private enterprise, or to secure adequate data to insure that waterway developments by private enterprise would fit into a general plan for the full utilization of the water resources of a stream. This department is now charged with examinations and surveys for navigation and flood-control improvements and with the construction of such projects as are authorized by Congress. In both classes of investigations the department must, by law, give consideration to the development of potential water power.

The act of January 21, 1927, authorized works of improvement on more than 60 projects and preliminary examinations and surveys at approximately 150 localities.

These several acts of Congress were supplemented and the scope of information to be obtained broadened by section 10 of the act of May 15, 1928, which reads as follows:

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the act of January 21, 1927, and House Document No. 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods, which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries; and the reports thereon, in addition to the surveys provided by said House Document No. 308, Sixty-ninth Congress, first session, shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs, and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation: *Provided*, That before transmitting such reports to Congress the same shall be presented to the Mississippi River Commission, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

The sum of \$5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain through the Secretary of Agriculture and such other agencies as he may deem proper the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice.

Full credit for the enactment of the section just quoted should be given the House Committee on Flood Control, of which the gentleman from Illinois [Mr. REID] is the able and efficient chairman. It was under his leadership and the courageous action of the committee that said section was embodied in the Senate bill and ultimately became a part of the act.

The potentialities of the economic control and utilization of the waters of the Nation are beyond present evaluation. The section referred to directed a survey and the acquirement of information concerning such utilization for all purposes, and the recent report of the Chief of Engineers evidences a gratifying degree of appreciation of the scope and magnitude of the undertaking. It also evidences affirmative action on the part of the Secretary of War and the Chief of Engineers to effect

the several mandates of Congress in the vigorous prosecution of the work and the assembling of the necessary information for intelligent legislative action. In his memoranda report the Chief of Engineers says:

The studies, surveys, and preparation of projects for flood control on tributaries of the Mississippi River system are being prosecuted vigorously and with all the dispatch consistent with efficiency and economy.

* * * As many as 700 men have been employed on it, including full or part time of more than 50 officers of the Corps of Engineers.

Already final reports on 13 streams have been transmitted to Congress. * * * Field work on between 40 and 50 others has been completed. It is anticipated that the entire project can be finished in somewhat less than three years.

* * * The notion of building systematically for the future is a rather new one in our new country, but it is one which the Nation is adopting. In many lines, with its characteristic energy. * * * What are the ultimate possibilities of a certain river, in terms of navigation, irrigation, power, flood control, and other possible uses of its water? How could this ultimate development be achieved—by what works, at what cost, and by what compromises between the different interests involved? How would such action in turn react upon the navigation, flood control, and power situation on rivers farther down into which our river empties? These are the questions which in effect the law asks us, and which we must answer. In our answer we should have a coherent plan, with approximate cost estimates, for the ultimate economical development of each river.

* * * Instead of developing our river haphazardly, according to the conflicting and often short-sighted aims of interests concerned only with the immediate future, each development can become a part of a final mosaic. * * * Some one has called the laws which directed this work one of the greatest pieces of constructive statesmanship in any recent Congress. No one who has been connected with the work and has seen the full picture can fail to concur in that view. It is the privilege of the Corps of Engineers to be associated with the first and essential step in this achievement, namely, the preparation of the tentative major plan.

Among the most valuable results obtained in the prosecution of this work is the demonstration of the workability of the policy of contribution. Under existing law the normal construction work on tributaries within the effect of backwater is required by law to be done after a contribution of one-third of the costs by local interests. Commenting upon this policy of contribution the Chief of Engineers says:

With the funds appropriated for this purpose the Federal Government has aided many and various localities in the Mississippi Valley which have been unfortunate enough to suffer flood accidents. This aid has been given wherever and whenever the conditions prescribed by law have obtained and the interpretation of the law has been always very liberal.

In the further prosecution of the work of flood control on the tributaries, we believe that supplemental legislation authorizing the extension of Federal aid to the several States contributing their share for the prosecution of the work is imperatively necessary to project the policy now in formation for the economic utilization of the waters for all purposes. Our present and rapidly developing system of Federal highways evidences the excellent satisfactory results of such cooperation. That cooperation has been on the arbitrary basis of an equal amount of funds furnished by the States and Federal Government. This cooperation on the part of the Federal Government is carried on under the commerce clause of the Constitution and with equal force the Federal Government has jurisdiction of the development and maintenance of interstate navigability of our streams.

The several States are demanding protection from the ravages of floods which incur an estimated annual loss of \$450,000,000. The reservoir system for the withholding of waters at their source would contribute to flood control and stabilize necessary channels in the rivers for navigation. Both Federal and State purposes would be promoted by such work. The withholding of such waters, therefore, should be a joint undertaking in which both parties are equally interested. The benefits should be fairly evaluated and the costs apportioned accordingly.

The navigability of the Mississippi and its five great tributaries for cheaper transportation, adequate flood control for the protection of lives and property, and the stabilization of channels for navigation through the reservoir system are so closely related to one another that they must be carried forward together as the composite economic policy for the control and utilization of the waters of the Nation.

At no time in our history have we had men in authoritative positions better qualified to carry out this great national policy. In the present Chief Executive with his demonstrated efficiency in the solution of great national economic problems, his able and

efficient Secretary at the head of the War Department effecting the necessary organization, and Maj. Lytle Brown as Chief of Engineers in immediate charge, we have men in the key positions peculiarly fitted and qualified to a degree as never before for the work to be carried forward. [Applause.]

I append the following report from the Chief of Engineers:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 31, 1930.

HON. M. C. GARRER,

House of Representatives, Washington, D. C.

DEAR MR. GARRER: Receipt is acknowledged of your letter of March 22, 1930, asking information relative to the progress of flood-control work and work contemplated in the near future.

Since the passage of the act of May 15, 1928, flood-control work on the Mississippi has been pushed as much as is consistent with efficiency and economy. Levees, revetments, and contraction works have been constructed along the main river. The Birds Point-New Madrid flood way and the Bonnet Carre spillway have been well started and practically all the work has been contracted for. Practically all work requested by local interests on tributaries has been authorized in so far as permitted by law.

About all the funds now available have been obligated and the program is ready for the expenditure of \$35,000,000 in the pending War Department appropriation bill. This money will be used for continuing contracts now in effect as well as for new contracts. The program includes levees, revetment, and navigation works on the main river; continuation of the New Madrid flood way and the Bonnet Carre spillway; levee work on the south banks of the Arkansas and Red Rivers and on the Atchafalaya River, as well as work requested on a contribution basis on tributaries within the limits of backwater effect of the Mississippi. Flood-control surveys as provided for in the law are to be prosecuted with the utmost vigor consistent with efficiency and economy.

Inclosed herewith are three memorandums which give additional information.

I trust this gives you all that you desire. If there is any other information you wish, I am at your service.

Very truly yours,

LYTLE BROWN,
Major General, Chief of Engineers.

MISSISSIPPI FLOOD CONTROL—ORIGIN OF THE PLAN OF FLOOD CONTROL, THE MAJOR ELEMENTS OF THIS PLAN, AND THE PRINCIPLES CONCEIVED TO GOVERN ITS DEVELOPMENT AND PROSECUTION

The flood-control project for the lower Mississippi Valley was adopted by the act of May 15, 1928. The project is outlined in general terms in the report of the Chief of Engineers, printed in House Document 90, Seventieth Congress, first session. The customary procedure sanctioned by long practice is for such projects to be adopted in general terms, leaving details to the Chief of Engineers. This project as adopted by law is general in its scope, with the responsibility for the execution and for the details of design and location of the engineering works and structures placed upon the Chief of Engineers under the supervision of the Secretary of War.

HOW THE PROJECT WAS CREATED

The flood-control project was based on data which had been collected by the Mississippi River Commission over a period of 48 years. These data are so voluminous that the chief problem in formulating a project lies in digesting all the available information, using the essential facts that have been determined and deciding upon a simple, common-sense plan. However, the organization of the Corps of Engineers, United States Army, has so many men familiar with the Mississippi and its hydraulics that the formulation of a project based on general assumptions is not a matter of great difficulty.

Since the flood-control plan was adopted by Congress, Engineering News-Record has published in detail the plans for all the new and special features of the project, viz, the Birds Point-New Madrid flood way, the Bonnet Carre spillway, and the flood ways in the Boeuf and Atchafalaya Basins. The Birds Point-New Madrid flood way and the Bonnet Carre spillway have been started and are being prosecuted as rapidly as possible. The plan of the Birds Point-New Madrid flood way is being carried out practically as it was conceived before the project plan was presented to Congress. The Bonnet Carre spillway is the same in general dimensions as the plan of the spillway board, which is the plan of the adopted project.

The location in detail of the spillway was changed somewhat in order to place it in the most stable location available. Also, the spillway structure is to be a needle dam, whereas the spillway board contemplated a stop-log dam. Both are simple to operate and avoid complicated operating machinery. Both can be operated much faster than the river rises or falls and are susceptible of operation a great deal faster than is required by the conditions of the project, viz, to keep the Carrollton gage at 20. The needle dam distributes the pressure uniformly and thereby tends to avoid unequal settlement on alluvial foundations. It also is operated from the top and involves

no operating machinery or devices under water. Although a condition which would require fast opening is considered impossible, the needle dam could be tripped, if necessary, and opened almost instantaneously. It is cheaper than any other type of movable dam or dam with gates.

It has been suggested that a break in the side levees of the Bonnet Carre flood way might cause a situation in which it would be desired to close the spillway more rapidly than the river falls. This is impossible under the requirements of the project, which require the Carrollton gage be kept at 20. If the Carrollton gage is at 20, there will arise no demand to stop water flowing out of the spillway, and force it past New Orleans at a higher stage than 20. In 1927 New Orleans blew up a main river levee to keep the Carrollton gage down to 20. In addition, the side levees of the Bonnet Carre flood way are being built much stronger than other levees in the Mississippi Valley.

CRITICISM OF BONNET CARRE SPILLWAY

Criticism has been directed in the public prints against the details and location of the Bonnet Carre spillway. None of these criticisms cover points that have not been fully considered by those responsible for the location and design, who are the only authorities that have before them all of the data affecting the building of the proposed work. The main criticism is that the wide, shallow flood way is inferior hydraulically to a narrow, deep one, and is vastly more costly. This criticism at first seems to have much weight, tending to a change of plan. On close examination there are seen difficulties that are inherent in the site, and they are chiefly those of security. Further, this is a question that does not permit of half-baked argument and the delay occasioned thereby.

The alluvial valley of the Mississippi River (below Cape Girardeau, Mo.) comprises some 20,000,000 acres of land. Of this, about 12,000,000 acres are now usable. Prior to 1850, when the United States turned over to the States certain swamp lands, the Mississippi Valley was settled and cultivated in sections which protected themselves from flood waters to a certain degree. Since that time reclamation has increased, populations have grown and large sections have become prosperous agricultural areas dotted with towns and villages. Railroads and roads have been built in this most fertile valley and the National Government has undertaken the expense of flood protection to a degree far beyond anything contemplated in the early days. As the lands have been progressively protected, their population and use have increased by leaps and bounds. It is to be expected that similar development on a greater scale will follow additional flood protection.

The great question is: How can flood protection be best secured? Can complete protection be secured for the entire 20,000,000 acres of the valley, or must man be content with protecting only a part of this territory? If it is not possible to protect all this land completely, is it better to protect completely a portion of the areas involved and leave certain areas surely subject to periodic overflows? Or is it better to leave the entire area subject to possible overflows of uncertain depths and uncertain frequency rather than to leave a part of the lands to carry the water with greater depths and more certain frequency? In this connection it must be realized that the lands completely protected will lose thereafter the periodic refertilization which nature provides with overflows. The majority of the people undoubtedly prefer the complete protection.

The general conclusion is that complete flood protection is not practicable at the present time for the entire alluvial valley and that certain portions must be left to provide discharge space for flood waters. However, there are those who claim that complete protection for all the lands is feasible by stopping the water near its source and holding it in reservoirs on lands that are outside the alluvial valley proper. Again, there are advocates of protection partly by reservoirs and partly by flood ways in the valley. The question as to which lands will be subjected to overflow appears to be one of whose ox is gored. In any event the United States is asked to pay for the lands subjected or left subject to overflow. These lands were practically given away once, and now it is asked that they be bought back.

FLOOD MAGNITUDE AND SAFETY MARGINS

There seems to be a fairly general agreement that it is not expedient to confine all the probable or possible excess flood waters of the Mississippi to the main channel, or, rather, between the controlling levees of the main channel. The river needs more room, and if it is not given the space it requires it will take it. The problem is to determine how much it requires and to give that and no more. This must be done with factors of safety that are reasonable in view of the uncertainties involved as well as the resulting cost of a possible underestimation of the room required.

It is only prudent that we should protect against a flood about 25 per cent greater than that of 1927. Such a flood will, of course, be very rare on the average. Having settled upon so great and so rare a flood, it must be kept in mind that the flood assumed embodies the necessary factors of safety, and these do not have to be added again to the detailed engineering structures all down the line. For example, a levee with a 1-foot freeboard on this imaginary superflood would have a freeboard of 3 or 4 feet for a flood equal to that of 1927, and no greater freeboard as a factor of safety is warranted. (A flood equal to that of 1927 will be rare on the average; only once in history has such a flood occurred.)

HOW FLOOD CONTROL IS ACCOMPLISHED

Flood-control works proper include levees and revetments. There are to be levee lines along the main river and also in the side basins to protect the best lands from excess flood waters that may pass toward the Gulf through the side basins outside of the main channel. Revetments are used to prevent bank caving and destruction of levee lines. They also stabilize the banks and reduce the earth that is being constantly picked up and carried by the river. They are an aid to the navigable channel as well as a protection for levee lines. Contraction works are used in the main channel to decrease the cross section of low-water flow and thereby increase the navigable depth. They serve to reduce maintenance dredging. These have no bearing on flood control; so we have levees and revetments for flood control and contraction works and dredging for navigation, with revetments serving both.

Prior to the 1927 flood the scheme for flood control of the Mississippi involved levees only on the main channel. It was thought that all probable flood waters could be held within the controlling levee lines along the main river. In addition it was believed by some that the restraining of the flood waters to the main channel caused the flood waters to enlarge that channel progressively and thereby the flood waters would gradually make a channel sufficient for any and all floods. This view was not concurred in by all engineers. Even some who for economic and practical reasons favored "levees only" on the main river did not think that they had any material effect in enlarging the river channel. The opposing opinion is that the channel of the river is made by the year-round flow and that large floods occurring rarely do not materially affect the channel capacity. Even if flood waters would do what is claimed by advocates of "levees only," the scheme is not practicable, since protection is desired now, and we must provide the necessary discharge areas many years before such a scheme could work itself out. The necessary discharge areas having been provided, there is no great advantage to be gained even if the flood waters would enlarge the channel capacity.

ELEVATION OF RIVER BED UNCHANGED

In the 50 years during which data have been collected on the Mississippi River, although the confinement of the river between levees has caused large increases in flood heights, it has not caused any cumulative changes in the elevation of the river bed itself. The bed and the natural banks of the river are continually undergoing the local changes found in any alluvial stream subject to a widely varying discharge, but the gross effect of these changes on the discharge capacity of any considerable section of the river proper, since the construction of levees was started, is so small as to be less than the limits of accuracy of measurement. Neither the levees nor the crevasses that have occurred in them have had any measurable effect on the capacity of the channel of the river itself to carry off flood waters.

After the flood of 1927 had demonstrated that it was not practicable to restrain within the main channel of the Mississippi River below the Arkansas River all the probable or possible flood waters it was necessary to find ways for the excess flood waters to flow to the Gulf through the side basins. The most practicable paths are located on the west side of the Mississippi, where the lands are low and wide all the way. There are several alternate routes over parts of the distance, but it may be said that generally the excess flood water must pass through the Tensas Basin, through the Red River backwater area, and through the Atchafalaya Basin. If levees are not to be raised to a marked degree on the main river approximately a million second-feet must find its way to the Gulf outside the main channel.

LEVEES AND REVETMENTS

To reduce the probability of accidental crevasses it is necessary that the main river levees be strengthened and raised slightly. The section generally used previously had an 8-foot crown, a slope of 1 on 3 on the riverside, and a slope of about 1 on 5 on the land side. The new section being generally used has a crown of 10 feet, a riverside slope of 1 on 3½, and a land-side slope of about 1 on 6. Where the soil is sandy the levee must have a decidedly greater section. The section authorized is ample to include the line of saturation and is to vary with the materials and foundations in different localities. The raising contemplated is usually limited to 4 feet.

Levee enlargement is mostly by contract. The increased amount of work and the size of the contracts is an incentive for new and larger contractors to enter this field of activity. There is also an incentive to encourage development in the methods of handling earth under the conditions of levee building. Average prices in the three districts on the lower Mississippi range from 21 cents to 27 cents a yard. The methods used vary in different localities. It is hoped that some cheap method of building levees by dredging will be developed.

Revetments are constructed by Government plant and hired labor. The plant necessary is so expensive and the work so uncertain and varying that no contractor has found it expedient to purchase the necessary equipment for this kind of work. Both brush and concrete revetments are used, and the schemes in use accomplish the results desired, viz, the prevention of caving banks. The cost is so large that it is generally cheaper to set back the levees than to protect caving banks. However, at places the prevention of caving is essential.

The revetments now being used are the result of many years' experience and experimentation to determine the most economical method

of preventing banks from caving. For a long time only brush revetments were used. These consist of fascines bound by wire cable with the separate fascines also tied together with cable. When fascine material began to grow scarce and expensive, concrete revetments were undertaken. By experimenting, satisfactory flexible concrete revetments have been developed.

At present there are two general types in use. Both consist of concrete slabs tied together with wire. In one type the slabs are larger (5 by 11 feet) and overlap in shingle fashion. In the other type smaller concrete slabs (1 by 4 feet) are fastened together by wire with butt joints. Recently old mattresses have been examined by divers and it has been found that the types used last many years. The use of copper wire would prolong the life of revetments, but by reason of the expense of such wire it has not been considered expedient to use it.

The adopted project provides for the use of contraction works south of Cairo, Ill., to improve the navigable channel and reduce the amount of maintenance dredging necessary. The types of these works in use are those which have been previously tested out in the river north of Cairo. Generally they are permeable dikes consisting of two or more rows of clumps of piles braced together. The piles are driven through a mat laid on the bed of the river, and the bank at the end of the dike is protected with a mat below water and paving above the low-water line. The dike causes deposit and building up from the bottom. The current between the ends of dikes in midstream or between the mid-stream end of one dike and a protected opposite bank scours out a channel deeper than the natural depth.

FLOOD-WAY FLOWAGE AND CONTROL

Much publicity has been given to the question of flood ways, with widely varying opinions as to the widths that are expedient. The economics involved are under discussion. The author of the adopted project considered that wide, uncleared flood ways were the only practical solution of the problem; that they were far and away the most economical solution, whether or not the lands in question should be paid for. Without entering into this phase of the flood-control question, it can be stated that a recent pamphlet issued by the Board of State Engineers of Louisiana gives the total full value of the flood ways south of the Arkansas River at approximately \$172,000,000, including lands, industries, railroads, highways, and drainage canals. Of this, about \$51,000,000 is the value of timberlands, leaving about \$121,000,000 as the full value of everything else. What the United States Government might pay for flowage over this is a question which no one can answer with accuracy.

The question of controlled spillways at the heads of flood ways is also a subject of conflicting opinion. One of these would cost about \$17,500,000. Whether such a spillway would be actually controlled with respect to water conditions or by injunctions or by illegal acts is a matter of opinion. If the matter of paying for land or flowage below the sites of proposed spillways is settled, the difference of opinion as to the expediency and economic justification for such structures may disappear.

The organization for doing the flood-control work of vast size is quite satisfactory. The president of the Mississippi River Commission, located at Vicksburg, Miss., the approximate geographical center of the job, is in charge of the work. Under him are three district engineers, at Memphis, Vicksburg, and New Orleans, respectively. Each has about one-third of the work, and the areas within these districts are further subdivided. Under the Chief of Engineers the work is carried out expeditiously and efficiently. The money appropriated annually is used where the need for it is most apparent.

Every effort is made to do as much of the work by contract as is possible. No work is done by Government hired labor forces except when it is impossible to get the work done as economically by contract. Contracts can be let at 25 per cent more than the cost if done by day labor, and they are frequently made at higher figures than the Government estimates. No steps other than those being taken are possible to give more encouragement to contractors to enter this field of work and to develop machinery and methods of the greatest efficiency. The desire of all concerned is to encourage the contractors of the country to enter this field.

NECESSITY FOR ACTION

Since the project was adopted by Congress and made a matter of law very little effort has been made by those responsible for the work toward inquiry as to how the general plans might be modified. This may be deemed by some as a fault. It is, on the contrary, a cardinal virtue. In the words of one of the greatest of our Presidents we say, "Take all the time for consideration that the situation permits, but when the time for action arrives stop thinking, cast all ruminations and doubt-creating thoughts aside, and proceed to execution with all the vigor of mind and body that you possess." Those who expect new schemes to be evolved and new ideas to be introduced or adopted, to fundamentally change the matter while execution is in progress, will do well to give thought to the necessity for action.

The present dissatisfaction in some quarters arises from a fear of injury without due compensation rather than from an inadequacy or fault of the legally adopted plan. In the minds of those who are responsible for the execution of the work its economic phase must enter

powerfully. There are several projects of vast economic value to our country that should be accomplished. Unless each is done with the utmost economy the others will suffer and be delayed accordingly. No man, no company, no country can ignore the fundamental law of economy—every dollar spent must bring in a sensible return in accord with the value of money.

There is a deal of discussion about protecting land, and it is of no small importance, but there is not enough discussion about protecting the localities where the nerve centers of the country lie, the centers of business, terminals, and transportation, of which, in the region affected, the great port of New Orleans is the chief. These, like the command posts in battle, are of decisive value.

Any changes in plan will be directed toward securing adequate results with certainty, at the minimum of cost with due regard to time of execution, and will depend on a possible combination of levees, flood ways and reservoirs. Of these three the use of reservoirs is most in doubt and may come in not at all or slowly as a supplementary measure only. But as aforesaid, no forecast of the changes to be made can be definitely set forth at this time.

No suggestion from responsible authority has yet been made that proposes to eliminate either of the flood ways known as Atchafalaya and Bonnet Carre. Those are necessary for the protection of New Orleans. Very strong arguments have been made toward the elimination of the Bonnet flood way. Those making this argument, notably the Board of State Engineers of Louisiana, have substituted therefor the system of reservoirs on the Arkansas and White Rivers as set forth in studies of the reservoir board of the office of the Chief of Engineers. That system of reservoirs includes as its principal factor a huge reservoir across the main stem of the Arkansas River just above the city of Little Rock. The objections to a high dam in this locality are too obvious to fail of notice on casual examination. Its elimination, if practicable, is to be sought, since obvious objections would be quite as strong in many respects as those brought forward against the flood way in the Bonnet Basin.

It should be evident to all who have studied the question of reservoirs that any of them built for the purpose of flood control in the lower Mississippi must be operated and regulated for that purpose primarily. Those who advocate them for local benefits as primary reasons are likely to be disappointed in their results as regards either power or local flood protection if they are operated for the benefit of the situation on the Mississippi River. There can be no half measures in the operation of these reservoirs. They are for one purpose or the other and must be operated accordingly.

While the work is being pushed with the utmost vigor, research to develop new processes is also being carried on. An hydraulic laboratory is being established at Vicksburg, Miss., under the direct supervision of the president of the Mississippi River Commission. This laboratory will test out with models all reasonable ideas advanced, and the research personnel will also make measurements and carry on full-scale tests on the river itself wherever and whenever an opportunity becomes available for such tests.

The organization provided for the work is fully satisfactory and embraces the two main desiderata—a single and individually occupied line of authority for execution, and a commission (board) for advice and counsel. The personnel is as good as America affords, being that which has had the most thorough knowledge through actual experience in the conditions to be met. All officers of the Corps of Engineers, United States Army, are prepared to a certain extent to serve on the Mississippi River, by a thorough course of study on the characteristics of the stream and the methods of work developed for its improvement. Specially selected ones serve there. The closest cooperative and consulting relations are encouraged and maintained between the Government's representatives, from the Chief of Engineers to include those in the field, with the men who live in the valley, whose interests lie there and who have a lifelong experience with the river.

FLOOD CONTROL OF THE MISSISSIPPI RIVER PROGRESS

With the passage of the pending War Department appropriation bill carrying \$35,000,000 the appropriations of a generous Federal Government for the flood control of the Mississippi River will amount to about \$100,000,000, or nearly one-third of the total estimated cost of the flood-control project adopted by the act of May 15, 1928, will have been appropriated. It is two and one-half times what the United States paid the French for their rights and construction done on the Panama Canal. It very nearly equals the total cost of the canalization of the Ohio River, completed last fall.

This huge project, which the Federal Government has undertaken for the benefit of the inhabitants of the alluvial valley, now furnishes employment for hundreds of thousands of men, from highly trained engineers and executives, foremen, inspectors, clerks, and stenographers down to the ever-necessary strong arms and backs of labor. By far the greater part of the employment is brought about through contractors. The Government pay roll has varied from about 4,500 to nearly 12,000 employees. This employment is not by any means limited to what one would see if he were to visit the construction work on the river, but it

reaches far back into the manufacturing industries of the country. The shipbuilders are called on for construction of barges and towboats, dredge hulls and pipe lines. Powerful excavating machines are required by the hundreds. Land transportation equipment of every sort is required. Immense quantities of cement will go into the revetments and into the controlled spillway at Bonnet Carre.

During the period from July, 1929, to January over 25,000,000 cubic yards of earth were placed in levees by contract supplemented to a small extent by United States plant. Subprojects now approved for execution include 80,000,000 cubic yards more for placement by contract. This amount of earth would cover that section of Washington from Fourteenth Street to Nineteenth Street and from the White House to the Bureau of Engraving with a hill higher than the Washington Monument.

The high water of 1927 of the Mississippi River caused overflows and pecuniary losses in the lower valley, as well as loss of life. The United States promptly took measures to aid the people affected so as to reduce as much as possible the effects of the misfortune caused by this extraordinary flood.

Appropriations were made to pay for the immediate closing of all crevasses in the levee system, and in some cases reimbursements were made to local levee districts who had been put to expense on account of this flood. By the spring of 1928 all crevasses had been closed, and the usual high water passed down the valley without any breaks in the levee line.

In addition to paying for these emergency measures the Federal Government by the act of May 15, 1928, adopted a project for flood control in the lower valley of the Mississippi and authorized the expenditure of \$325,000,000. This authorization included \$10,000,000 to be expended for flood control on tributaries of the Mississippi River within the back-water effects of the main river. It also included \$5,000,000 for surveys to prepare flood-control projects for tributaries of the Mississippi River system.

In addition to the \$325,000,000 authorization, \$5,000,000 was authorized by the same law for emergency work on tributaries to be allotted by the Secretary of War on the recommendation of the Chief of Engineers in rescue work or in the repair or maintenance of any flood-control work threatened or destroyed by flood, including the flood of 1927. The act of May 15, 1928, authorized payment by the United States for all construction costs, whereas previous authorizations for flood-protection works in the Mississippi Valley had required local interests to pay one-third of these costs. In addition, this law included other provisions extremely liberal to local interests, such as authorizations for the United States to pay for rights of way other than those on the main stem of the Mississippi River, and authorization in an emergency to pay for maintenance of levees on the main river. Since the passage of the flood control act two annual appropriations have been made for the work; one of \$24,000,000 and one of \$35,000,000. The pending War Department appropriation bill includes an item of \$35,000,000 for the flood-control project. The sum of these three appropriations, plus emergency appropriations made since the flood of 1927, sum up to about \$100,000,000. This large sum of money will pay for strengthening the levee system sufficiently to protect against any flood of record except that of 1927 and possibly those of 1882 and 1912. When the entire \$325,000,000 has been expended, protection will be provided against all floods of record, and, in addition, against an accidental, conjectural flood some 25 per cent larger than any flood of record. This conjectural flood has been estimated as the maximum possible flood, which may not occur in many generations.

Levees are being generally strengthened and raised on the main Mississippi River from Cape Girardeau, Mo., to the mouth of the river. The levee lines protecting the St. Francis Basin in Arkansas and the Reelfoot section in Kentucky and Tennessee have already been strengthened to a considerable degree although these levees were not overtopped by the 1927 flood. The levees protecting the Yazoo Basin in Mississippi and those protecting the Tensas Basin in Arkansas and Louisiana, including the levee line on the south bank of the Arkansas River, have been strengthened and are being further improved. Likewise the levees in Louisiana protecting the Atchafalaya and Pontchartrain Basins have been and are being enlarged. The work already done was sufficient to preclude any crevasse on the main Mississippi River during the high water of 1929 which high water was the greatest that has ever passed down the river without crevasses.

The adopted project provides for a flood way in southeast Missouri to come into action during extraordinary floods and hold down to safe stages the high-water level—this for the safety of lands in southeast Missouri, as well as for the safety of Cairo, Ill. The United States is not only paying for all construction in connection with this flood way but is also paying for all rights in land necessary for the flood way. Construction work on this feature of the flood control project is well under way and is being carried out with dispatch.

The Bonnet Carre spillway is being constructed above New Orleans to insure the safety of that city. The leveed main river above New Orleans can carry only so much water. It is like a pipe with a limited capacity. This capacity, under existing conditions, permits more water to pass New Orleans than is desirable. The Bonnet Carre spillway will

act like a hole punched in this pipe so that water in excess of what is considered expedient may pass out of the pipe before it reaches New Orleans. The water to be discharged will pass into Lake Portchartrain, where it can do no harm. All the rights in land necessary for this spillway have been condemned. Contracts for the spillway and the guide levees have been let and work is being pushed with the utmost vigor. Already it is evident that there will be no extraordinary high water during 1930. The spillway will be completed before the high water of 1932. It is unlikely that troublesome high waters will occur during 1931. On past cycles, therefore, New Orleans is being made safe against floods, and, in fact, this safety is practically accomplished now. The estimated cost of this spillway is \$11,500,000. All construction and land costs of this spillway to protect a wealthy city are being borne by the Federal Government. The port of New Orleans is of nation-wide importance.

Besides the levee work for flood-control purposes in the lower Mississippi Valley, the United States is spending large sums in revetting caving banks to prevent levees from caving into the river and to prevent lands from being caved into the river. After the flood of 1927 the revetments in New Orleans Harbor had to be repaired on account of the damage done by high water and excessive velocities. At the city of Memphis a subsiding river bank has caused pecuniary loss and apprehension. Revetment is being placed to preclude further caving and to make the river bank at Memphis stable.

The studies, surveys, and preparation of projects for flood control on tributaries of the Mississippi River system are being prosecuted vigorously and with all the dispatch consistent with efficiency and economy. The report on flood control of the St. Francis River in Arkansas and Missouri has already been submitted to Congress. Reports on the White, the Red, and the Yazoo are to be completed and submitted this year. These studies and surveys include investigations of reservoir sites in the drainage basins of the rivers in question. The costs, feasibility, and effects that may be obtained by reservoirs will be conclusively determined. The benefits of reservoirs for local flood control and power, as well as their benefits with respect to the Mississippi River, are being considered. In many cases the local benefits transcend any benefits to the Mississippi River itself, and perhaps it will be advisable to use reservoir sites for these local benefits in preference to reserving them for Mississippi River flood control. The studies, surveys, and preparation of projects authorized by the act of May 15, 1928, commonly known as the flood control act are being made in combination with the investigation and surveys authorized by the river and harbor act approved January 21, 1927, in accordance with House Document 308, Sixty-ninth Congress, first session. All these will be pushed to an early completion and reports will be submitted to Congress.

Besides the work on the flood-control project proper for the lower Mississippi Valley, the Government has expended considerable sums on two other flood-control activities, viz, work on tributaries of the Mississippi within the effects of backwater, and emergency construction on tributaries for the repair or maintenance of any work threatened or destroyed by flood.

The normal construction work on tributaries within the effect of backwater is required by law to be done after a contribution of one-third the cost by local interests. All requests for this kind of work have been granted wherever permitted by law. Emergency work is authorized to be paid for entirely by the United States. With the funds appropriated for this purpose the Federal Government has aided many and various localities in the Mississippi Valley which have been unfortunate enough to suffer flood accidents. This aid has been given wherever and whenever the conditions prescribed by law have obtained and the interpretation of the law has been always very liberal.

RIVER PLANNING

The Corps of Engineers is now making what is probably the most extensive and comprehensive engineering study of waterways yet undertaken. This study amounts to an evaluation of the water resources of the entire United States, save the basin of the Colorado River and a few other areas, and the formulation of general plans for their future utilization. Most of us are apt to have vague ideas about work with which we are not more or less intimately connected. The purpose of this article is to present, therefore, a brief picture of the purpose, scope, and character of this study of streams.

A bit of legislative history is necessary. Section 3 of the river and harbor act of March 3, 1925, directed the Secretary of War, through the Chief of Engineers and the Federal Power Commission, to prepare a plan and estimate the cost for " * * * investigations, * * * with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of potential water power, the control of floods, and the needs of irrigation; * * * "

"Such streams" numbered 183, and with their tributaries drain practically the entire area of the United States except the basin of the Colorado River. The latter was excepted from the provisions of the act since it was already under investigation by the Bureau of Reclamation in connection with the famous Boulder Dam project. The plan and

estimate called for were presented to Congress in April, 1926, and published as House Document 308, Sixty-ninth Congress, first session. For that reason the investigation is quite colloquially known as "308 work." The estimate of cost was \$7,322,400. The river and harbor act of January 21, 1927, directed the Chief of Engineers to prosecute the studies and authorized the expenditure of the necessary funds. The first funds for the work were actually provided in the War Department appropriation act of March 23, 1928.

Meanwhile and before money was actually available for the work, the great Mississippi flood of 1927 occurred. This disaster intensified the interest of the people and of the Congress in the problem of the control and utilization of water, and in that problem in the watershed of the Mississippi system in particular. One of the questions uppermost in the minds of Congress during the discussion of the Mississippi flood-control plan in the late winter and spring of 1928 was that of the possible alleviation of Mississippi flood conditions by means of reservoirs, either operated primarily for that purpose or for some other purpose or combination of purposes.

As a result, when the Mississippi flood control act was approved on May 15, 1928, it contained provisions directing the Chief of Engineers to make a comprehensive and detailed investigation of the question in all its many and complicated ramifications. This act authorized the expenditure of \$5,000,000 for the investigations ordered on streams of the Mississippi system, in addition to the \$7,000,000 already authorized by the act of January 21, 1927, pursuant to House Document 308, for streams all over the country.

This is all somewhat complicated, so a brief recapitulation is probably in order. The Chief of Engineers has been directed by Congress to make detailed and comprehensive investigations of practically all the streams of the United States, except those of the Colorado River system. The investigations are to develop the possibilities for the economic utilization of the water resources of all these streams in the combined interests of flood control, navigation, water power, and irrigation; and for those streams tributary to the Mississippi system, to develop flood protection plans for areas "subject to destructive floods," to study the possibilities of assisting in the prevention of Mississippi floods by means of reservoirs built for various purposes, and to evaluate various collateral benefits that might accrue from a reservoir system. The sum of \$7,000,000 has been authorized for the investigation of all the streams under House Document 308, and an additional \$5,000,000 for such of those streams, or additional ones, as are tributary to the Mississippi system. The first appropriation for the work was provided in the War Department appropriation act of March 23, 1928.

This work is now being vigorously prosecuted. As many as 700 men have been employed on it, including full or part time of more than 50 officers of the Corps of Engineers. The first step was, in each instance, to determine the kind and amount of detailed work required. Existing maps and hydrographic data were collected. The places subject to destructive floods were determined and the extent and frequency of the flood damage studied. Possible sites for storage reservoirs were investigated.

With the information at hand, the next step is to determine the areas in which further detailed surveys are necessary in order to draw up plans for each separate project, make an estimate of cost, and determine the probable benefit to be expected. Wherever the investigation indicates that improvement of the stream is justified for flood control, navigation, irrigation, or water power, suitable projects are prepared.

In carrying out this project there is no duplication of work by different agencies. Full cooperation and much valuable assistance is being received from other departments of the Federal Government and from State, county, and municipal engineers, irrigation and drainage districts, railroads, power companies, public-service commissions, and other parties.

Already final reports on 13 streams have been transmitted to Congress. These include the Tennessee, St. Francis, Iowa, and Wisconsin Rivers. Field work on between 40 and 50 others has been completed. It is anticipated that the entire project can be finished in somewhat less than three years. These studies will include all of the major streams in the United States, except the Colorado. The largest river systems included are those of the Mississippi, the Missouri, and the Columbia.

What is the utility and what will be the results of this nation-wide study, which is one of the most complicated and extensive jobs ever assigned the Corps of Engineers? They will be far-reaching. It is the first attempt ever made to arrive at a comprehensive coordinated estimate of the ultimate possibilities of our great rivers for all purposes. The notion of building systematically for the future is a rather new one in our new country, but it is one which the Nation is adopting in many lines with its characteristic energy.

We hear a great deal of "city planning," which is the attempt to lay out an ordered line of future growth for our industrial centers. The work which this article discusses may by analogy be described as "river planning." What are the ultimate possibilities of a certain river in terms of navigation, irrigation, power, flood control, and other possible uses of its water? How could this ultimate development be achieved—by what works, at what cost, and by what compromises be-

tween the different interests involved? How would such action in turn react upon the navigation, flood control, and power situation on rivers farther down into which our river empties? These are the questions which in effect the law asks us and which we must answer. In our answer we should have a coherent plan, with approximate cost estimates, for the ultimate economical development of each river. Unquestionably not all of the work in such an ultimate plan will prove to be desirable now. Some items may not be desirable, on a sound economical basis, for many years. Some may need to wait one or several generations before the conditions are ripe for their application.

But if we have an ultimate plan to which to build, it should then be possible—assuming proper coordination among the Federal, State, and corporate interests involved—to make each step as it is taken an item in the final program. Instead of developing our river haphazardly, according to the conflicting and often short-sighted aims of interests concerned only with the immediate future, each development can become a part of a final mosaic. The entire design may not be worked out in our lifetime or in our children's lifetime. But the entire design will be known to us now; and (subject to inevitable minor changes as the work progresses) the development of the river, though done with a minimum of Federal supervision and interference, will nevertheless be along the lines that will ultimately accomplish the greatest good for the greatest number. Some one has called the laws which directed this work one of the greatest pieces of constructive statesmanship in any recent Congress. No one who has been connected with the work and has seen the full picture can fail to concur in that view. It is the privilege of the Corps of Engineers to be associated with the first and essential step in this achievement; namely, the preparation of the tentative major plan.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. A board to be known as the national hydraulic laboratory board is hereby created, the four members of which shall be the Secretary of Commerce, the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, or in lieu thereof such other officer of each department as the Secretary thereof may designate. It shall be the duty of the board to determine from time to time a program of the projects to be undertaken and the manner in which the work is to be performed.

With a committee amendment as follows:

Page 2, beginning on line 9, strike out all of section 2 down to and including line 17.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

With a committee amendment as follows:

Page 2, line 18, strike out the figure "3" and insert the figure "2."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. TILSON] having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards, of the Department of Commerce, and the construction of a building therefor, reported that that committee had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DEMPSEY. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments. The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DEMPSEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INVALID PENSIONS

Mr. ELLIOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 7960) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER pro tempore. The gentleman from Indiana calls up a conference report, which the Clerk will report.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that the statement accompanying the report may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the statement accompanying the report may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7960) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

On page 2 of the engrossed amendments strike out the following language:

"The name of Frank L. Smith, alias John H. Burden, late of Troop G, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$50 per month."

On page 7 of the engrossed amendments, line 12, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 11 of the engrossed amendments, line 2, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 13 of the engrossed amendments, line 2, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 13 of the engrossed amendments, line 23, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On pages 15 and 16 of the engrossed amendments strike out the following language:

"The name of Annie Young, widow of Jacob Young, late of Company H, Thirty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving."

On page 17 of the engrossed amendments strike out the following language:

"The name of William M. Atchison, late of Capt. George R. Barber's Fleming County company Kentucky State troops, and pay her a pension at the rate of \$50 per month."

On page 29 of the engrossed amendments strike out the following language:

"The name of Laura E. Todd, former widow of William A. Todd, late of Troop C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month."

On page 31 of the engrossed amendments strike out the following language:

"The name of Christianna Kunz, widow of August Kunz, late of Company G, Thirty-ninth Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month."

On page 32 of the engrossed amendments strike out the following language:

"The name of Emma F. Branagan, widow of John Branagan, late of Troop A, Second Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month."

On page 34 of the engrossed amendments strike out the following language:

"The name of Josephine Simpson, widow of Edmond Simpson, late of independent Battery H, West Virginia Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving."

On page 36 of the engrossed amendments, line 10, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 36 of the engrossed amendments, line 14, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On pages 44 and 45 of the engrossed amendments strike out the following language:

"The name of Laura Belle Winter, helpless daughter of John A. Thomas, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month."

On page 46 of the engrossed amendments, line 24, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 48 of the engrossed amendments, line 8, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 52 of the engrossed amendments strike out the following language:

"The name of Isaac Pierce, late of Company B, Fourth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of \$50 per month."

On page 57 of the engrossed amendments strike out the following language:

"The name of Peter B. Coleman, late of Company F, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month."

On page 60 of the engrossed amendments strike out the following language:

"The name of Henry Hagens, late of Company L, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month."

And the Senate agree to the same.

JOHN M. NELSON,
RICHARD N. ELLIOTT,
RALPH F. LOZIER,
E. M. BEERS,
MELL G. UNDERWOOD,

Managers on the part of the House.

ARTHUR R. ROBINSON,
THOS. D. SCHALL,
B. K. WHEELER,
SAM G. BRATTON,
PETER NOBECK,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on the bill H. R. 7960 state by way of explanation that 1,184 House bills were included in said bill as it passed the House on January 11, 1930.

The Senate Committee on Pensions reported the bill back to the Senate January 28, 1930, amended.

Under date of February 10, 1930, a communication was addressed to the chairman of the Senate Committee on Pensions, advising him that certain of the Senate bills added as an amendment did not appear to be within the meaning of the rules jointly adopted by the two committees last Congress.

The Senate committee subsequently presented a supplemental report to the Senate making six corrections.

The bill passed the Senate April 1, 1930, amended, and on April 3, 1930, the House asked for a conference. The Senate agreed to the conference on the same date, and conferees were appointed by both Houses.

The conference was held April 5, and as the amendments numbered from 1 to 12, inclusive, and amendments Nos. 14 and 15, were cases in which the proposed beneficiaries had died, the House receded.

Amendment No. 16 was composed of 392 Senate bills, 44 of which had been called to the attention of the Senate committee. After a careful and thorough consideration of the additional evidence submitted in the conference on these 44 cases, it was agreed that the Senate retain 18 thereof.

As none of the House bills were in question in the conference other than the 14 in which the proposed beneficiaries had died, the House was not called upon to yield on any other cases.

JOHN M. NELSON,
RICHARD N. ELLIOTT,
RALPH F. LOZIER,
E. M. BEERS,
MELL G. UNDERWOOD,

Managers on the part of the House.

Mr. ELLIOTT. Mr. Speaker, the conferees came to a unanimous conclusion on this report. The House loses no bills, and we either cut out or reduced the amounts in 23 or 24 of the amendments of the Senate, so that they would come within the rules of the House.

I think we had a very satisfactory conference; and if there are no questions, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider the vote was laid on the table.

APPROPRIATIONS, STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8960) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1931, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SHREVE] asks unanimous consent to take from the Speaker's table the bill H. R. 8960, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SHREVE, TINKHAM, ACKERMAN, BACON, OLIVER of Alabama, and GRIFFIN.

There was no objection.

HOUSE DOCUMENT CONCERNING BATTLES OF KINGS MOUNTAIN AND THE COWPENS

Mr. STEVENSON. Mr. Speaker, I call up, at the direction of the Committee on Printing, House Resolution 158, providing that 3,000 additional copies of House Document No. 328, Seventieth Congress, first session, entitled "Historical Statements Concerning the Battle of Kings Mountain and the Battle of the Cowpens in South Carolina," by Lieut. Col. H. L. Landers, be printed with illustrations and bound for the use of the Committee on Printing of the House of Representatives.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. STEVENSON] calls up House Resolution No. 158, which the Clerk will report.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 158

Resolved, That 3,000 additional copies of House Document No. 328, Seventieth Congress, first session, entitled "Historical Statements Concerning the Battle of Kings Mountain and the Battle of the Cowpens in South Carolina," by Lieut. Col. H. L. Landers, be printed with illustrations and bound for the use of the Committee on Printing of the House of Representatives.

Mr. LAGUARDIA. Is the resolution privileged?

Mr. STEVENSON. Yes. It is for the use of the House, and is, therefore, privileged.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. STAFFORD. I understand the resolution provides for the reprinting of a House document which is an historical paper by Colonel Landers with respect to the Battle of Kings Mountain.

Mr. STEVENSON. No. It is the Battle of Kings Mountain and Cowpens. It is exactly the document as it stands to-day.

Mr. STAFFORD. I wish to inquire how many copies were printed under the original authorization and what was the method of their distribution?

Mr. STEVENSON. There were 1,500 distributed, and they were distributed by the Joint Committee on Printing, and the supply has been exhausted.

Mr. STAFFORD. My attention was called to this valuable document in a hearing before the Committee on Military Affairs, recently. I know it is a document of historical value. I had never had my attention called to it before. This resolution proposes to have the 3,000 copies assigned to the Committee on Printing for disposal. Why should not at least a small fraction of them be assigned to the Members of the House? This is a valuable document and I know every Member of the House would be interested in this historical study. Had it not been for the fact that I am serving on the Committee on Military Affairs I would never have known that there was such a valuable document. I know that every Member of the House would consider it a valuable acquisition to his library. We are now proposing to print 3,000 additional copies and transfer them to the Committee on Printing, and the Committee on Printing is to have authority to direct their distribution. I think it is questionable practice. I think at least a certain number should be assigned to the Members of the House for distribution. I would like to have one for my own library or for distribution to a library.

Mr. STEVENSON. If the gentleman will permit—and I do not yield any further—there was one copy put in the document room for every Member of the House when they were printed, and no Member of the House has ever asked the Joint Committee on Printing for a copy who did not get it, as long as the supply lasted. There was a tremendous public demand for this publication.

The reason for publishing these is the fact that the sesquicentennial is to be held on the 7th of next October. The President of the United States is to be the principal speaker, and it is the desire to have a supply of them for use at that time. In addition to that, Congress has provided for a monument to be placed at the Battle of Cowpens, which is just 25 miles from this place, and we expect to have the unveiling of that monument within the year.

The idea is to publish 3,000 copies of this document so that every Member of Congress—many of whom complain they did not get a copy—may have a copy, and yet the Joint Committee on Printing will have the right to distribute them at the respective celebrations in so far as they are needed. No Member of Congress will be denied the right of getting a reasonable number if he will ask for them. As far as I have had control of the matter, I have given the Members copies when they have asked for them, and that will be done in this instance.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

BRIDGE ACROSS THE WABASH RIVER

Mr. ARNOLD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3714, to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill., and pass the same.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table Senate bill 3714 and consider the same. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may we have the bill reported?

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Wabash River at Mount Carmel, Wabash County, Ill., authorized to be built by the State of Illinois and the State of Indiana by the act of Congress approved March 3, 1925, heretofore extended by the acts of Congress, approved July 3, 1926, March 2, 1927, March 29, 1928, and January 25, 1929, are hereby extended one and three years, respectively, from March 29, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 20 minutes on next Thursday, a week from to-morrow, after the disposition of matters on the Speaker's table.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that he may address the House for 20 minutes on Thursday of next week. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the gentleman from New York [Mr. SNELL] this afternoon stated that he thought beginning next Tuesday, and on the days following, the House would be occupied in the consideration of the veterans' bill. I wish the gentleman from New York would kindly withdraw his request until the gentleman from New York is present. I am not in the confidence of the gentleman from New York but he made that statement on the floor and therefore I ask the gentleman to kindly withdraw his request and present it when the gentleman from New York is present.

The SPEAKER pro tempore. The Chair will recognize the gentleman again for that purpose.

GROVER M. MOSCOWITZ

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on House Report 1106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, the action by the Judiciary Committee and by the House yesterday has as its effect the cleaning up in the Brooklyn Federal court of a condi-

tion that was repulsive to every right-thinking man. It further completely vindicates the good name of Sidney Levine and that of his dead father, Samuel Levine.

The people of Brooklyn, and especially the legal profession, owe a debt of gratitude to this boy for the courageous battle he fought against the injustices of this powerful group. The committee, in its opinion, intimated that this judge was unfit to sit in judgment over his fellow men. They stated his actions were dangerous to the people of our community. How a judge can be unfit and yet be permitted to continue to sit is something that I can not understand.

The committee had before it the fact that he was guilty of favoritism in the highest degree; that he continued and carried on, unknown to the public, a profitable business partnership with his former law partner, Sidney F. Strongin, at the same time giving to that partner and to his associates lucrative receiverships in equity and in bankruptcy, from which they derived fees of much more than \$100,000. It had before it facts that showed how a disgraceful perversion of law and justice was made possible by the compliance and indifference of Grover M. Moscovitz, who lent himself to a conspiracy to destroy a family, to hound a widow, and to jail two boys—two boys not yet in the full bloom of manhood, whose only crime was in having a mother who had a \$41,000 mortgage that Moscovitz's associates wanted and Moscovitz's associates got. His action was such as to destroy the last trace of confidence that the public has in our Federal courts.

The business relations that he maintained with his former law associates gave rise to a very proper suspicion when these same individuals became the recipients of his judicial favors. He did not hesitate to permit these associates to use his court as a collection agency. He put into the hands of these associates the management of equity receiverships estates which, without exception, resulted in the division of high and exorbitant fees.

In one case all the proceeds of the estate were divided in fees, while the unsecured creditors did not receive a single penny. While he was giving out these receiverships to Strongin, he was the beneficiary of the time, work, and effort of Strongin and Strongin's associates in the management of 17 corporations, from which he received in that same period profits in excess of \$44,000.

His use of the contempt proceedings as the club over the heads of the victims for the sole purpose of benefiting Strongin and others is one of the most despicable judicial practices that ever come to my attention. His oppression was bold and unblushing. His every act showed a lack of the true traditions of his high office. His conduct shows an absence of moral sensibility and a wealth of moral turpitude.

The committee, of course, was forced to condemn his actions. Anything short of that would have been a degree of indorsement, and this conduct, if indorsed by the House, would have led to deep and general distress. It would have led to the incubation of the germs of distrust in the public mind and would have set a standard of judicial conduct so erroneous, pernicious, and low as to threaten the very foundations of the Federal judicial structure.

THE FEDERAL FARM BOARD AND THE COTTON SITUATION

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks by including an editorial from the Staple Cotton Review of March, 1930, the official organ of the Staple Cotton Cooperative Association of Mississippi, on the subject of the Federal Farm Board and the cotton situation.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the Record by printing an editorial from the Staple Cotton Review. Is there objection?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, there were ginned from the crop of 1929 to March 20, 1930, in the 12 counties in the Yazoo Delta, in the State of Mississippi, 912,242 bales of cotton. The Staple Cotton Cooperative Association had received to March 11, 1930, from the 1929 cotton crop 312,610 bales of cotton. The association is therefore handling during the present season approximately one-third of the Delta staple cotton crop.

It is generally understood that this association is the most successful of all the cotton cooperatives and that the officials are among the most capable producers and executives in the Southern States. Mr. O. F. Bledsoe, jr., is the president, Mr. W. M. Garrard is the general manager, and Mr. A. H. Stone is the vice president and editor of the Staple Cotton Review, the official organ of the association, published monthly at Greenwood, Miss.

It is easy to criticize but it is difficult to build or construct. The Federal Farm Board has many hard problems and is entitled to an opportunity to solve these problems. The members

of the Staple Cotton Cooperative Association are familiar with the program of the board and desire to cooperate with the Federal Farm Board to accomplish the purposes for which the board was established. The cotton grower believes in fair play and desires to help rather than hinder the cotton situation.

Under the leave to extend my remarks in the Record, I include the following editorial in the March, 1930, number of the Staple Cotton Review:

THE FEDERAL FARM BOARD AND THE COTTON SITUATION

We hold no brief for the Federal Farm Board. The board and its members, individually and collectively, are amply able to take care of themselves. But the sense of ordinary fair play prompts the suggestion that the board is not getting a square deal at the hands of many of its critics. Perhaps we might state it in the interrogative, rather than assert it as a fact. Is the board getting a square deal?

The line of criticism leveled at the board is strongly suggestive of the attacks made on the cooperative cotton associations when they were set up 8 to 10 years ago. Notwithstanding their protestations to the contrary, a very large section of the trade could see in these organizations only sinister objectives and evil results. It was insisted that their purpose was to build up a monopoly, to ruin the mills, to put the middleman out of business, and to do, all and sundry, those things which were destructive of the established order. And all of this, always and of course, in violation of the sacred law of supply and demand. That criminal folly must always be kept well to the forefront of every attack upon those who would attempt the heinous offense against society of trying to organize American agriculture along industrial lines. It is foolish to charge that the Farm Board has either disregarded or tried to destroy the law of supply and demand. The men on that board are neither doctrinaires, charlatans, nor fools. The board has made some loans on cotton at a figure somewhat higher than the trade afforded at the time. But the board undoubtedly considered the loans to be safe in a long view. The Staple Cotton Association loaned money on low grade Delta staples in 1925 at figures well above those then prevailing. The cotton was marketed through a period of two years, and more than \$3,000,000 profit realized on the transaction—to the grower's benefit and to nobody's harm. Neither of these operations contravened the law of supply and demand. They were grounded in the conviction that cotton was unjustifiably low at the moment and that prices would react if given time.

We do not imagine that the Farm Board is particularly exercised over such attacks as we here have in mind. But the attacking procedure seems to us to be stupid, ill-advised, and unfair. If we will ignore the multitude of distorted reports of utterances of individual members of the board, either willfully colored and garbled or ignorantly misconstrued, and will consider the official statements of the board itself, we will find the latter to be characterized by sanity, balance, and common sense. The board is criticized and ridiculed for urging a reduction of cotton acreage. If there is any better way to bring about a fair adjustment between supply and demand, we do not know it. Whether it accomplishes the result depends on the growers, not on the board. Certainly the board should not be censured for urging at least a step in the right direction. In 1926 Mr. Coolidge's special cotton committee, in undertaking to stop a decline in cotton prices, included a reduction of acreage as a cardinal feature of its program. That committee consisted of Mr. Eugene Meyer, jr., of the War Finance Corporation; Secretary Mellon; Secretary Hoover; Mr. George R. James, of the Federal Reserve Board; Commissioner Williams, of the Federal Farm Loan Board; and Secretary Jardine. It was not accused of trying to make water run up hill nor of trying to carry it on both shoulders nor of violating the law of supply and demand nor of doing anything else economically criminal or foolish.

What are the facts of the case in the matter of the board's activities as to cotton? Not what somebody has said or believed or hoped the board has done, should do, or would do, but what the board actually has done. It has made a few capital loans to cotton cooperatives and some commodity loans to practically all of them. The latter are the much discussed 16-cent middling-basis loans to which we have referred. The board has had numerous and extended conferences with officers and members of cotton cooperatives. Out of these conferences was evolved a decision to set up a central marketing association. This new concern was to supersede one already in existence, but its proposed functions were neither revolutionary, monopolistic, nor destructive. It was designed primarily to do a better job of cotton marketing than apparently had been done before. It may be proper to state here that the Staple Cotton Association has not joined this organization and is in no wise identified or connected with it. Hence we speak without prejudice or bias. This newly created cooperative is designed to centralize the selling problems and functions of its member cooperative associations. It can function with the trade just as its component parts have functioned for nearly a decade—on a mutually satisfactory basis. Surely the cotton trade is neither so foolish nor so timid as to become hysterical over such a prospect.

The board has approved the taking over by the new central association of the spot and contract cotton of the member associations. This certainly seems to be a wise action, since it assures the board and the Public Treasury against any loss on advances or other loans. The board

has only to finance the carrying of this cotton until the return of normal market and trade conditions. Probably this will not be long. But suppose it takes a year or two. Suppose it takes three years. What of it? Cotton has been profitably handled through such periods before without the suggestion that anybody was trying to repeal the law of supply and demand.

The board has retained the services of one of the ablest and best known brokerage houses in America to handle the contract operations of the new central cooperative association. This action may have caused some heartburnings, but it was certainly good business. We have already referred to the board's cotton acreage reduction campaign. The only other action which relates to cotton is the matter of creating the cotton advisory committee contemplated by the agricultural marketing act. This has been done by the cotton cooperatives with the sanction of the board. The committee selected is representative of the conservative thought of the producing end of the business. It includes men who are identified with and are qualified to speak for the manufacturing, processing, and banking interests also. We feel safe in saying that this committee is not likely to take any action in contravention of the law of supply and demand. We are also quite sure that if it takes any action at all this charge will be made against it.

There is nothing sacred about the Federal Farm Board. It is not immune to criticism. But it is entitled to a square deal from its critics. It is not fair to charge it with things which it has not done and which it has no idea of attempting to do. It is not fair to charge it with responsibility for the present situation in cotton nor to attack the measures which it proposes for relief. Cotton prices have been going up and going down for a hundred years—and probably will continue to fluctuate to the end of time. There have always been objectors to anything in the nature of innovation. There are some who seem to feel that the spheres of industrial activity are inviolable; that the function of the distributor is the peculiar property and prerogative of a class, not to be profaned by the yokel touch of the producer's horny hand. It is not unnatural that this group should oppose any governmental agency which would make more possible any encroachment upon its field.

Whether the Federal Farm Board is to succeed or fail is for the future to determine. But pending the final decision the board may derive satisfaction from the knowledge of its own integrity of purpose and honesty of effort and intent. And it may take comfort also from the fact that practically every board or institutional creation set up by the Government to promote a definite objective or to serve a definite purpose has at first been assailed precisely after the present manner of attack. The Interstate Commerce Commission and the Federal reserve system are outstanding illustrations. The Federal land banks and the Federal intermediate credit banks are cases in point. The Federal judiciary, with its life tenure of office, has come to be regarded as the chief corner stone of our Government, the visible evidence of justified faith in the continuance of its existence along established lines. Yet, as late as 1820, no less a personage than Thomas Jefferson characterized it as "The subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric."

Let us cease to take counsel of our fears and look to the future with courage and hope.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS (H. DOC. NO. 340)

The SPEAKER pro tempore laid before the House the following message from the President, which was read, and, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads for the calendar year 1929.

HERBERT HOOVER.

THE WHITE HOUSE, April 9, 1930.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on next Monday I may be permitted to address the House for 20 minutes after the disposition of matters on the Speaker's table.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that on next Monday, following the address of the gentleman from Louisiana [Mr. MONTET], he may have 20 minutes in which to address the House. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that following the address of the gentleman from New York [Mr. DICKSTEIN] I may be permitted to address the House for 10 minutes on the same subject.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. BANKHEAD. Mr. Speaker, before the motion to adjourn is made, will the gentleman from New York kindly state

whether or not he is going to carry out the original program of calling up the Reed bill to-morrow?

Mr. SNELL. After the completion of the other bill, if we have time, we intend to take up the Reed bill.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H. R. 155. An act providing compensation to the Crow Indians for Custer Battle Field National Cemetery, and for other purposes;

H. R. 564. An act for the relief of Josephine Laforge (Sage Woman);

H. R. 565. An act for the relief of Clarence L. Stevens;

H. R. 2029. An act to authorize the coinage of silver 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase;

H. R. 2331. An act for the relief of Leonard T. Newton;

H. R. 2825. An act to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Stones River, Tenn.," approved March 3, 1927;

H. R. 3097. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 3098. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 3100. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;

H. R. 3101. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;

H. R. 3104. An act for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy;

H. R. 3105. An act for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy;

H. R. 3107. An act for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy;

H. R. 3108. An act for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy;

H. R. 3109. An act for the relief of Capt. William L. F. Simonietri, Supply Corps, United States Navy;

H. R. 3110. An act for the relief of Capt. John H. Merriam, Supply Corps, United States Navy;

H. R. 3112. An act for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy;

H. R. 4055. An act to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material;

H. R. 4289. An act to approve Act No. 55 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii";

H. R. 5693. An act providing for retired pay for certain members of the former Life Saving Service, equivalent to the compensation granted to members of the Coast Guard;

H. R. 6119. An act for the relief of the Gray Artesian Well Co.;

H. R. 6131. An act authorizing the Secretary of the Interior to erect a marker or tablet on the site of the battle between Nez Percés Indians under Chief Joseph and the command of Nelson A. Miles;

H. R. 7391. An act that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission);

H. R. 7701. An act to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia;

H. R. 7830. An act to amend section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 7855. An act for the relief of Carl Stanley Sloan, minor Flathead allottee;

H. R. 7960. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 7984. An act to approve Act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and

supply of electric current for light and power within Hanalei, in the district of Hanalei, island and county of Kauai";

H. R. 8143. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near Pocahontas, Ark.;

H. R. 8294. An act to amend the act of Congress approved June 28, 1921 (42 Stat. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii";

H. R. 8559. An act to authorize the incorporated town of Cordova, Alaska, to issue bonds for the construction of a trunk sewer system and a bulkhead or retaining wall, and for other purposes;

H. R. 9046. An act to amend the fourth paragraph of section 13 of the Federal reserve act, as amended;

H. R. 9306. An act to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.;

H. R. 9894. An act to discontinue the coinage of the two and one-half dollar gold piece;

H. R. 9988. An act granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Red House, N. Y.;

H. R. 10076. An act to amend sections 476, 482, and 4934 of the Revised Statutes, sections 1 and 14 of the trade-mark act of February 20, 1905, as amended, and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes;

H. R. 10653. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes," approved March 3, 1927;

H. J. Res. 195. An act authorizing and requesting the President to invite representatives of the governments of the countries members of the Pan American Union to attend an inter-American Conference on Agriculture, Forestry, and Animal Industry, and providing for the expenses of such meeting;

H. J. Res. 197. An act to authorize the purchase of a motor lifeboat, with its equipment and necessary spare parts, from foreign life-saving services; and

H. J. Res. 227. An act authorizing the erection of a Federal reserve branch building in the city of Pittsburgh, Pa.

The SPEAKER pro tempore announced his signature to a joint resolution and bills of the Senate of the following titles:

S. J. Res. 151. Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado;

S. 2763. An act authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River;

S. 3448. An act to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes"; and

S. 3487. An act to provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the Forest Products Laboratory, and for other purposes.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Thursday, April 10, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, April 10, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

To consider proposals for veterans' hospitals in Idaho and Montana.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 27 of the act entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," approved June 5, 1920. (H. R. 249.)

To amend section 6 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes" (43 Stat. L. ch. 272).

To amend section 8 of chapter 3547, Thirty-fourth Statutes at Large, part 1, entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906 (H. R. 8238).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To exclude certain citizens of the Philippine Islands from the United States (H. R. 8708).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Continuing the investigation relative to the ownership and the control of capital interests in any common carriers engaged in the transportation of persons or property in interstate commerce as provided in House Resolution 114.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider proposed legislation on Muscle Shoals.

EXECUTIVE COMMUNICATIONS, ETC.

399. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior amounting to \$100,000 for the installation of a third unit in the Shoshone power plant, Shoshone Federal irrigation project in Wyoming, fiscal year 1931, and a proposed amendment of an estimate for the Geological Survey contained in the Budget for the fiscal year 1931 (H. Doc. No. 339); was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mrs. RUTH PRATT: Committee on the Library. H. R. 11365. A bill to provide books for the adult blind; without amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENSON: Committee on Printing. H. Res. 158. A resolution to print 3,000 additional copies of House Document No. 328, Seventieth Congress, first session, entitled "Historical Statements Concerning the Battle of Kings Mountain and the Battle of the Cowpens in South Carolina," with illustrations; (Rept. No. 1115). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROWBOTTOM: Committee on Claims. H. R. 524. A bill for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland; without amendment (Rept. No. 1109). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2782. A bill for the relief of Elizabeth B. Dayton; with amendment (Rept. No. 1110). Referred to the Committee of the Whole House.

Mr. CLARK of Maryland: Committee on Claims. H. R. 3441. A bill for the relief of Meta S. Wilkinson; without amendment (Rept. No. 1111). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8491. A bill for the relief of Bryan Sparks and L. V. Hahn; with amendment (Rept. No. 1112). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 9168. A bill for the relief of D. Emmett Hamilton; without amendment (Rept. No. 1113). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 9921. A bill for the relief of Meta De Rene McLoskey; with amendment (Rept. No. 1116). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 11509) to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GREEN: A bill (H. R. 11510) to authorize the Secretary of Agriculture to make an iodine survey of the soils and waters of the United States; to the Committee on Agriculture.

By Mr. BRAND of Georgia: A bill (H. R. 11511) providing for the erection at Crawford, Oglethorpe County, Ga., of a suitable memorial to the memory of William H. Crawford; to the Committee on the Library.

By Mr. GRIFFIN: A bill (H. R. 11512) amending the river and harbor act, approved March 3, 1899, for the protection and preservation of the navigable waters of the United States; to the Committee on Rivers and Harbors.

By Mr. HARDY: A bill (H. R. 11513) giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929; to the Committee on Irrigation and Reclamation.

By Mr. HAUGEN: A bill (H. R. 11514) to define preserve, jam, jelly, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended; to the Committee on Agriculture.

By Mr. WRIGHT: A bill (H. R. 11515) to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala.; for the acquisition in West Point, Ga., of a new site and for the erection thereon of a Federal building; to the Committee on Public Buildings and Grounds.

By Mr. BOYLAN: Joint resolution (H. J. Res. 295) to provide for negotiations looking toward the acquisition of the New York State Barge Canal by the Federal Government; to the Committee on Rules.

By Mr. CABLE: Joint resolution (H. J. Res. 296) in support of the adoption at The Hague Conference for the Codification of International Law of the principle of equal nationality rights for men and women; to the Committee on Foreign Affairs.

By Mr. KORELL: Joint resolution (H. J. Res. 297) to provide for the expenses of participation by the United States in the International Conference on Load Lines, London, England, 1930; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 11516) to provide for examination and survey of the waterway connecting Core Sound and Beaufort Harbor, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11517) authorizing a preliminary examination and survey of a portion of the inland waterway from Beaufort to Jacksonville, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11518) authorizing a preliminary examination and survey of the channel from Beaufort Inlet, N. C., to New Bern; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11519) providing for the examination and survey of the channel from Pamlico Sound, near the mouth of Neuse River, to Beaufort, N. C., by way of Swan Point, Cedar Island Bay, Thoroughfare Cut, Thoroughfare Bay, Core Sound, touching at Atlantic Wharves, through the straits and Taylor Creeks Cut; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11520) providing for the examination and survey of the channel in Alligator Creek, N. C., and channel connecting said creek with the inland waterway; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11521) to provide for a survey of Mill Creek, a tributary of the Trent River at Pollockville, N. C.; to the Committee on Rivers and Harbors.

By Mr. BEERS: A bill (H. R. 11522) granting an increase of pension to Ralph A. Finicle; to the Committee on Pensions.

By Mr. CELLER: A bill (H. R. 11523) for the relief of Edgar Sampson; to the Committee on Claims.

By Mr. CHALMERS: A bill (H. R. 11524) granting an increase of pension to Lucinda M. Lindsey; to the Committee on Invalid Pensions.

By Mr. CLARK of Maryland: A bill (H. R. 11525) to extend the benefits of the employees' compensation act of September 7, 1916, to Walter Aaronson, a former postmaster at Aberdeen, Md., United States Post Office Department; to the Committee on Claims.

By Mr. CRADDOCK: A bill (H. R. 11526) granting a pension to Edna Cowherd; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11527) for the relief of Walter W. Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 11528) granting a pension to Elizabeth Getts; to the Committee on Pensions.

By Mr. GASQUE: A bill (H. R. 11529) for the relief of William J. Bodiford; to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 11530) granting an increase of pension to Rosetta Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11531) granting an increase of pension to Mary J. Paul; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 11532) granting an increase of pension to Margaret Whoolery; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 11533) granting an increase of pension to Maria Mosher; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 11534) for the relief of Joseph Donaldson; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 11535) for the relief of the Maryland Casualty Co., of Baltimore, Md.; to the Committee on Claims.

Also, a bill (H. R. 11536) to provide for examination and survey of Back River, Bear Creek, Curtis Creek, and Colgate Creek, estuaries of the port of Baltimore; to the Committee on Rivers and Harbors.

By Mr. MENGES: A bill (H. R. 11537) granting an increase of pension to Sarah J. Swartz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11538) granting an increase of pension to Annie Tinsley; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 11539) granting a pension to Martha E. Sickel; to the Committee on Pensions.

By Mr. NELSON of Maine: A bill (H. R. 11540) granting a pension to Cora Blake Condon; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11541) for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.); to the Committee on Foreign Affairs.

By Mr. RANKIN: A bill (H. R. 11542) granting a pension to Albert Henry Edge; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11543) granting an increase of pension to Rosalie Chonyon; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 11544) granting a pension to Annie Taylor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6643. By Mr. BLACKBURN: Memorial of the Homemakers' Club of Brier Hill, Lexington, Ky., signed by Mrs. James Shropshire, president, and Mrs. B. A. Hayes, secretary, praying for the enactment of legislation for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

6644. Also, petition signed by Ben Martin, Maud Martin, Eliza Creech, and numerous other citizens of Stanton and Jeffersonville, Ky., urging Congress to cut out the names of aliens when counting the population of the Nation for apportionment of Congressmen; to the Committee on the Judiciary.

6645. By Mr. CLARKE of New York: Petition of 42 citizens of Delaware County, N. Y., asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

6646. Also, petition of 69 citizens of Deposit, N. Y., asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

6647. Also, petition of 70 citizens of Oneonta, N. Y., asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

6648. By Mr. CRADDOCK: Petition of H. S. James, W. C. Jackson, and 67 other citizens of Beaver Dam, Ohio County, Ky., urging the Congress to favorably consider House bill 2562 and Senate bill 476; to the Committee on Pensions.

6649. By Mr. CULKIN: Petition of Lodge No. 933, Independent Order of Odd Fellows, of Three Mile Bay, N. Y., praying for enactment of legislation providing for increased rates of pension to men who served during the war with Spain; to the Committee on Pensions.

6650. By Mr. GRAHAM: Resolution adopted by the Philadelphia Real Estate Board, opposing the construction of a bridge across the Delaware River at or near Wilmington, Del.; to the Committee on Interstate and Foreign Commerce.

6651. By Mr. HALL of Mississippi: Petition of citizens of Bay St. Louis and Waveland, Miss., endeavoring to secure speedy consideration and passage of bills now pending before the Seventy-first Congress providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

6652. By Mr. HULL of Wisconsin: Petition of citizens of Adams County, Wis., regarding increase in Spanish War veterans' pensions; to the Committee on Pensions.

6653. By Mr. JENKINS: Petition of citizens of Nelsonville, Ohio, urging Congress to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6654. Also, petition signed by citizens of Jackson County, Ohio, urging that Congress secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6655. By Mr. KETCHAM: Petition signed by Marion Robinson and 63 other citizens of Sturgis, Mich., requesting increased pensions for Spanish-American War veterans; to the Committee on Pensions.

6656. By Mr. KORELL: Memorial of Moving Picture Machine Operators, No. 159, of Portland, Oreg., urging Congress to appropriate the necessary funds (estimated at \$180,000,000) for the construction of a dam, power house, and locks in the Columbia River at or below the Cascades and also at the most suitable points in said river above The Dalles, to Pasco, at the mouth of the Snake River, as will be of the greatest benefit to navigation, irrigation, and power development, including the Umatilla Rapids project, each to be constructed in turn, proceeding upstream from tidewater under a continuing program, as rapidly as a profitable market can be found for the by-product power to be developed at each dam and all in accordance with the procedure and precedent established for similar work on the Mississippi and Ohio Rivers and also under which the Boulder Canyon Dam on the Colorado River is proposed for construction; to the Committee on Irrigation and Reclamation.

6657. By Mr. LEAVITT: Petition of Clifton Sterling and other citizens of Belfry, Mont., favoring increased rates of pension for veterans of the Spanish-American War and widows and orphans of veterans; to the Committee on Pensions.

6658. By Mr. LINTHICUM: Petition of G. Fava Fruit Co., A. Burk & Co., Michie Fruit Co., John T. Rombetta & Co., D. M. Vansant & Co., A. Tamburo & Co., J. E. Tennyson, jr., Co., J. Cantanzaro Co., and W. H. Langley, all of Baltimore, urging present rate be held on Mexican green peas; also petition of A. G. Schultz Co., Baltimore; Jewelry Association of Baltimore; the Schofield Co., Baltimore; Hennegeen & Bates Co., and the Stieff Co., of Baltimore, opposing proposed duty of 30 cents per ounce on all silver imported into this country; to the Committee on Ways and Means.

6659. By Mr. MARTIN: Petition of Massachusetts Council, United Brotherhood of Carpenters and Joiners of America, urging the use of home materials in construction of Federal buildings in Massachusetts; to the Committee on Public Buildings and Grounds.

6660. By Mr. MOORE of Virginia: Petition of Bertha Embrey and others, in support of Stalker House Joint Resolution 20; to the Committee on the Judiciary.

6661. Also, petition of Rev. A. Stuart Gibson and others, in support of Stalker House Joint Resolution 20; to the Committee on the Judiciary.

6662. By Mr. NELSON of Maine: Resolution of the common council of the city of Calais, memorializing Congress to enact House Joint Resolution 167 in honor of General Pulaski; to the Committee on the Judiciary.

6663. By Mr. FRANK M. RAMEY: Petition of Charles H. Ashton and 47 other residents of Springfield, Ill., urging the passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

6664. By Mr. REED of New York: Petition of residents of Jamestown, N. Y., in behalf of the Civil War pension bill; to the Committee on Invalid Pensions.

6665. By Mr. SMITH of West Virginia: Petition of the citizens of Nitro, Kanawha County, W. Va., favoring the passage of legislation providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

6666. By Mr. SWING: Petition of E. C. W. Morgan and several hundred citizens of the eleventh congressional district of California, urging the adoption of the Box bill to restrict Mexican immigration; to the Committee on Immigration and Naturalization.

6667. By Mr. THATCHER: Petition signed by A. R. Jordan and others, of Jefferson County, Ky., supporting Spanish-American War pension legislation; to the Committee on Pensions.

6668. By Mr. VESTAL: Petition of citizens of Jay County, Ind., urging the passage of House bill 2562 granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.